

**A Paper Series Celebrating the 50th Anniversary of
*American Women: Report of the President's
Commission on the Status of Women***

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This paper series was prepared with funding from the U.S. Department of Labor. The views expressed are those of the authors and should not be attributed to the Federal Government or the Department of Labor.

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JUL 01 2014

Dear Colleagues,

To commemorate the 50th anniversary of the 1963 report of the President's Commission on the Status of Women, the U.S. Department of Labor (DOL) Women's Bureau, in collaboration with DOL's Chief Evaluation Office, commissioned a series of papers to examine the progress that has been made on the status of working women and to highlight the work that remains to be done.

Then-Women's Bureau Director Esther Peterson served as the Commission's Executive Vice Chairman, under the leadership of former first lady Eleanor Roosevelt. The Commission was created by Executive Order, with the mandate to review progress and make recommendations as needed for constructive action in the areas of employment policies and practices; Federal and State labor laws dealing with such matters as hours, night work, and wages; differences in legal treatment of men and women in regard to political and civil rights, property rights, and family relations; new and expanded services that may be required for women as wives, mothers, and workers; and the employment policies and practices of the federal government. The Commission's report addressed such employment-related issues as education and counseling; child care; equality in private employment; labor standards such as minimum wages, maximum hours, equal pay, and the right to organize; unemployment insurance; maternity benefits; and women in public office.

The ten papers discuss a range of issues affecting women in the labor force today.

- The Families and Work Institute examined women's and men's changing roles at home; the impact of changing roles on children; how families are changing work, including the response to the changing nature of work; and what's at stake for the country.
- The Institute for Women's Policy Research (IWPR) analyzed trends in occupational segregation during the past several decades, finding that there has been no progress in occupational integration during the 2000s, no further progress towards equal pay, and that there is a clear wage penalty for both women and men employed in female-dominated occupations. In a second paper, IWPR provided data highlights related to access, take up and the economic and health benefits of paid parental leave in the United States.
- The American Association of University Women surveyed educational conditions in the 1960s and the most notable educational gains and shortfalls of the past five decades. In a second paper, it examined women's participation in the labor force, then and now, illuminating lingering gender disparities that persist from men's and women's first day of work.
- The Georgetown University Center on Education and the Workforce explored the paradox that while women in general are doing better than ever before in terms of educational attainment, they are still failing to realize their full earnings potential, regardless of their educational level.
- The Center for Advancement of Public Policy described the New Mexico pay equity initiative as a possible template for narrowing the gender pay gap.
- The University of California Hastings College of the Law and the Center for WorkLife Law investigated the disconnect between the design of today's work and the real lives of today's hourly workers, who face the instability and unpredictability of "just-in-time" schedules. The

Center also examined the growth of caregiver discrimination in the paper entitled "The Next Frontier: Preventing and Litigating Family Responsibilities Discrimination."

- Finally, The Economic Policy Institute examined in-home occupations and the workers who hold in-home jobs, including the hours they work, how much they earn, whether they receive benefits, and whether they and their own families are able to make ends meet.

We thank the authors for their thoughtful examination of the issues. It is our hope that these papers will elevate the challenges that remain since the Commission articulated its call to action in 1963 and will inform our ongoing discussion and efforts to advance women's economic security.

Sincerely,

A handwritten signature in black ink, reading "Latifa Lyles". The signature is written in a cursive, flowing style.

Latifa Lyles
Director

The New Mexico Pay Equity Initiative
A Template for Narrowing the Gender Pay Gap
by
Center for Advancement of Public Policy
Martha Burk, Ph.D., Author

Prepared for the U.S. Department of Labor
50th Anniversary of the Report of the President's Commission on the Status of Women
Washington, D.C. October, 2013

This paper was prepared with funding from the U.S. Department of Labor. The views expressed are those of the authors and should not be attributed to the Federal Government or the Department of Labor.

The New Mexico Pay Equity Initiative A Template for Narrowing the Gender Pay Gap

ABSTRACT

General Description: This paper describes the New Mexico Pay Equity Initiative, which was instituted by Governor Bill Richardson's administration over a two year period (2009-2011). The Initiative built on recommendations from an Equal Pay Task Force created by the New Mexico State legislature in 2003, and a subsequent task force created by the governor in 2008. The paper discusses the rationale, policies, methodology and outcomes of the initiative, highlighting it as one way to serve the goal of achieving pay equity as embodied in the Paycheck Fairness Act and the Fair Pay Act, and also to advance the goal of government accountability and transparency. Implications for the future development and replication by other entities are included.

Women's Bureau goals addressed: 1) reflect upon and celebrate the accomplishments of public policies related to women, and 2) highlight present day issues and future DOL policy priorities around women's rights and opportunities in the workplace.

Importance: The New Mexico Pay Equity Initiative requiring gender pay equity reports of entities seeking contracts with the state is the only one of its kind in the country . It is a significant effort, and took two years to implement following earlier task forces and sets of recommendations. It can serve as a template for other government entities is advancing pay equity.

Key words: women, gender pay gap, contracting, executive orders, pay equity, equal pay

BACKGROUND

In 2003 the New Mexico state legislature created an Equal Pay Task Force to explore the problem of wage disparities in the state between men and women and between minorities and non-minorities, in both the public and private sectors. The Task Force issued a report with a number of recommendations (including pay equity legislation which advocates had been working to bring about for years) which were not immediately acted upon.

After concluding that legislation had little chance of passing, and that the governor had the authority to act by Executive Order (EO), in 2008 Governor Bill Richardson issued an Executive Order declaring pay equity a priority for the State of New Mexico. The EO created a second Task Force, which consisted of directors and senior personnel from relevant state cabinet departments, non-profit organizations concerned with pay equity, and members of the private sector representing business interests. (Appendix III)

The Task Force recommended a preliminary study of gender pay gaps and job segregation of the state classified workforce in some representative departments, to be followed by a study of all

departments.¹ Governor Richardson appointed a nationally recognized expert as Senior Advisor on Women's Issues to direct and carry out the study with support from the Office of State Personnel.

In September 2009 a gender pay equity study of the entire New Mexico state classified workforce (19,000+ employees) was completed.²

The results of the study were generally positive, with gender pay gaps lower than national averages, no apparent glass ceilings, and no evidence that job segregation led to gender wage gaps. Specifically:

- Gender wage gaps were found in all state departments in this study, across the great majority of job titles and pay bands. Overall, the gender wage gaps favored women, in both number and size. In all departments, most gaps were in the very low to moderate range, with a few larger exceptions on both sides.
- At the time of the study, females nationally were earning 80.2 cents to the male dollar for full-time, year-round work, resulting in a gender wage gap of almost 20% favoring males. Very few of the departments in the New Mexico state government had pay gaps as wide as the national averages in any pay band, and most had much smaller gaps. New Mexico has had the Hay Guide Chart Profile method of job evaluation in place for its for state employees for several years. Experts agree that gender wage gaps are expected to be smaller for public employers than for private employers, largely because of governments' use of systematic procedures such as the Hay System.
- Even though "glass ceilings" are a well-documented problem nationally, there were no apparent "glass ceilings" in the departments studied. This is a good indication that promotion practices as related to gender in the state workforce are likely to be fair and equitable.
- Job segregation (e.g. job titles that are totally or predominately held by one gender) is also a problem nationally, and New Mexico is no exception. However, the study indicated that the job segregation found in the state classified workforce does not lead to gender wage gaps, as it does in the nation as a whole. The state recognizes that gender segregation in jobs is a problem for diversity and should be addressed to produce a more balanced workforce.

¹ A six-department pilot study was conducted to test methodology and procedures using gender pay gaps by job title as baseline data. This analysis proved inconclusive, due to job segregation between women and men in most departments, which resulted in many job titles with too few women or too few men for meaningful comparison. Job titles were then collapsed across pay bands in each department, and this was also the method for the larger study of 19,000 employees. This methodology yielded much more meaningful data.

² While the state recognized that race and ethnicity also substantially impact wage gaps, it was not possible to gather reliable data on race and ethnicity. This information is optional for employees, and some employee records went back as far as 25 years, when the only categories available were White and Hispanic. The state did, however, use the opportunity to update records on these factors, with the goal of expanding future wage gap studies to include them.

THE INITIATIVE

Governor Richardson issued a second Executive Order in 2009 to further the goal of eliminating gender and wage pay gaps in the State of New Mexico. Provisions included:

- Appointment of a Working Group to construct a process for addressing problems identified in the study of state government departments, and requiring all cabinet departments to submit a gender pay gap report to the governor on an annual basis.
- Extending the requirement for studying and correcting any gender pay gaps and job segregation to entities holding contracts with the state government. The Working Group, consisting of cabinet secretaries or their designees from the General Services Department, State Personnel, State Purchasing, and the State Department of Workforce Solutions, with input from the private sector and other state boards and commissions, was charged with developing policies and procedures to accomplish that goal, with timelines for implementation, and appropriate safeguards for small business.

Key Concepts and Rationale

In designing the reporting system, the Working Group followed eight principles:

1. The system should be conceptualized as an incentive for contractors -- the opportunity to bid on state contracts -- not a punishment.
2. So far as possible, the system should use data already gathered by contractors or readily accessible to them.
3. So far as possible, the system should overlap with existing reporting requirements.
4. The system should minimize contractor concerns about release of proprietary information.
5. The system should be simple so that even small contractors could participate without undue administrative burdens.
6. Reporting should be mandatory and uniform across all departments.
7. The State should provide technical assistance to contractors requesting it.
8. The reports should be subject to audit by an entity independent of individuals or departments involving in contracting (i.e. the Office of the State Auditor).

Within this general framework, much discussion focused on the range of contractors that should be required to report. It was decided to apply the requirement to all firms with at least 10 employees. Setting a low threshold ensured coverage of a large number of state contractors, many of which are quite small. In addition, it ensured coverage of contractors -- such as law

firms and accounting firms -- that might have sufficient employees for meaningful pay gap analyses because, although they have few total employees, those employees are concentrated in only one or two categories.

In addition to companies with fewer than 10 employees, several other categories of contract recipients are exempt from the reporting requirement: (1) government to government contracts; (2) entities granted emergency procurement contracts; and (3) out of state contractors providing goods or services without employees working in the state.³ However, sole-source contractors are not exempt. Contractors that subcontract more than 10% of the value of the contract are also required to report data for subcontractors. In the case of procurements by purchase order, firms that accumulate \$20,000 in a calendar year in combined purchase orders are also subject to the reporting requirement.

Methodology

During the first five months of 2010, the Working Group developed policies, procedures, and data collection tools, which were published on the State Purchasing website in May of 2010 and implemented beginning July 1, 2010. As a phase-in, all entities with 10 or more employees contracting with the State of New Mexico were required to submit a gender pay equity report upon notice of receiving a contract award. These were submitted after the award process was completed, so were not part of the response to solicitations or request for proposal (RFP) process.

Beginning October 1, 2010, gender pay equity reports were required to be submitted as part of the response to solicitations or request for proposal (RFP) process. The Office of the State Auditor has the authority to audit reports.

In keeping with the second and third key principles listed earlier in this section, it was decided that EEO-1 job categories⁴ would be used for reporting. Many contractors and payroll processing firms are already familiar with these categories. Using them avoided the need for a new taxonomy and also avoided the difficulties of analyzing data for job titles or groupings not comparable across firms.

While many employers track race and ethnicity, not all do. Since the New Mexico initiative is ground-breaking and "keep it simple" is a watchword, it was decided initially to require only gender data. Recognizing that race and ethnicity are also major concerns, reporting should be extended to race and ethnic minorities in the future.

For similar reasons, employers are not required to report information on a range of worker characteristics -- such as education, experience, or job tenure -- that are likely to explain some part of reported wage gaps. Such data are often not routinely tracked by employers or not kept in

³Employers with workers in the state are required to report for those employees performing duties within state borders regardless of the origin of paychecks or the residency of the workers.

⁴Contractors are provided with direct links to U.S. DOL for purposes of determining job categories for their workers.

a format that lends itself to easy reporting or analysis. The New Mexico system envisions these factors as more properly part of deeper investigations of wage disparities at individual contractors, rather than reporting requirements universal to all contractors.

The data each contractor is required to report consists of the number of employees by gender (including full- and part-time) in the same EEO-1 job category, and the gender pay gap (stated as a percent) in each of these categories. Individual compensation is not reported, nor are dollar totals or averages for each category. While no dollar amounts are reported, obviously they are required in order to produce the wage gap percentages. (See discussion below.)

The State of New Mexico has provided technical assistance in the form of downloadable spreadsheets for producing the reports. To assure uniform reporting and "apples to apples" comparison of gender wage gaps, formulas for computing the gaps are embedded in required spreadsheets, which are provided to employers on-line. Employers do not have flexibility as to reporting forms or formulas. Contractors enter average hourly wages by gender and job category taking into account hours worked (following detailed instructions for producing these averages⁵), into a Worksheet (See Appendix II for worksheets and reporting forms).

When the above figures are entered into the Worksheet for each gender and job category, gender wage gaps both in dollar amounts and percentages are then automatically calculated, and the results exported to the final report format (Appendix II). Contractors are instructed NOT to turn in Worksheets showing dollar amounts, but are encouraged to use these for internal tracking of potential compensation disparities between women and men.

Entering the appropriate numbers in the Worksheet assumes that employers have a method (e.g. accounting/payroll system) capable of classifying employees and aggregating compensation and hours worked by gender and job category.⁶ Using this spreadsheet, employers can enter employee ID, job category, gender, full or part time, total annual compensation and total hours worked for each employee. Once these data have been entered, the Worksheet referenced above showing average compensation by gender and job category, along with percentage wage gaps, is automatically produced, and the final report submitted to the state is also automatically generated. Proprietary information is retained by contractors - only final pay equity reports are submitted to the state.

⁵ Average hourly wages in each job category are computed by adding the total compensation for all female workers (or all males) in that category, divided by the total hours worked by all females in the category. [E.g. Mary worked as a Craft Worker full time all year - 2,080 hours-and earned \$25,000. Jill worked 6 weeks - 240 hours - and earned \$3,000. Average hourly compensation for female Craft Workers is calculated by adding the two dollar totals and dividing by total hours $\$28,000/2320=\12.06 per hour]

⁶ Should employers not have such a system to classify employees by job category, gender, time worked, and compensation levels, the state has also provided an alternative downloadable Employee Data Entry spreadsheet for performing the necessary calculations "from scratch."

It was decided that it would be improper and unfair to differentiate between gender wage gaps favoring women and those favoring men. Therefore, the reports submitted to the state contain only absolute percentage gaps by job category, without regard to which gender is favored

Data submitted to the state consists of number of employees by gender (full and part time) in EEO-1 job categories, and percentage gender pay gaps in each category. Individual compensation is not reported, nor are mean hourly wages by job category and gender. These data points are, however, needed for interim steps in producing the reports. Employers retain this information for their own use in correcting any gender pay gaps identified.

Bidding documents on state contracts, including the pay equity reports, are part of the public record. All bids, both successful and unsuccessful, are retained by State Purchasing for the duration of the contract period plus one year, after which they are archived. Currently all of these records, including pay equity reports, are paper records.

The Office of the State Auditor has oversight over both state agencies' implementation of the reporting requirement and reports submitted. Procedures for both are still under development, and no audits have taken place to date. To date, the requirement is simply to submit a report. Bids which fail to comply with the reporting requirements are disqualified.

RESULTS

Currently, New Mexico is the only state systematically studying gender wage gaps and implementing procedures to combat pay inequity by state contractors. Our experience can serve as a national model. While we are a small state, our contracting requirements and procedures are fairly standard, so policies and procedures used here can reasonably be exported to some degree to the federal government, as well as other states and municipalities.

Input from all stakeholders, in and out of the government, is key to success. Without buy-in from the departments affected, as well as individual senior officials (in the New Mexico case, the State Purchasing Agent, State Personnel Officer, Secretary of Tax and Revenue) a workable, fully operational system is unlikely. Having a pay equity reporting requirement "on the books" but ignored in reality would result in confusion for contractors and state officials alike. This could also possibly subject the state to litigation from the State Auditor (who has oversight), public interest groups concerned with disclosure, or contractors that complied when others did not.

The New Mexico initiative was implemented without adding additional state employees (one consultant was engaged to direct the Initiative). Although some staff expansion might be required in larger states where contracting departments let more contracts or interact with higher numbers of contractors, the increases should be modest.

Uniform requirements throughout the system are also critical, as any system where some contractors or contracting departments are subject to the requirement where others are not would be unworkable, and perhaps subject to legal challenge.

Other policies contributing to smooth implementation and widespread acceptance of the New Mexico requirement include: gradual phase-in, extensive technical assistance, use of familiar reporting categories, limited demands for proprietary data, and a focus on positive incentives.

Early experience is noteworthy for its lack of resistance by employers or reports of difficulties in complying. About 3,200 firms are covered by the requirements, ranging in size from Intel (a large employer, with more than 3,000 employees) to firms with only 10 employees. Over the first seven months of implementation, fewer than 50 contractors contacted the state for assistance in understanding the requirements or preparing their reports. Contractors now seem generally to have accepted the requirement as a normal part of the contracting process, and have lodged no substantial complaints.

Some employers have asked if they could submit additional data beyond what is required. This comes from concerns that pay disparities will look unfair, when in fact aggregation into EEO job categories may be at fault. For example, one large hospital employs professionals ranging from nurse practitioners to brain surgeons, but the categories are not fine enough to make the proper distinctions. The state is responsive to this concern. Although they are also required to submit the standard forms, employers are free to submit additional data that may clarify disparities that may result from data aggregation. This additional information is expected to be valuable to the state when an incentive system (e.g. bonus points in contracting) is put in place as planned.⁷

Integration of pay equity reporting into the state's reporting system for tax filings for those contractors having an account in that system was begun. However, this integration was not completed, due to a change in state administrations. This method of reporting was to be optional, but it was expected to be a convenience for contractors, since it could be done online and integrated with existing state databases with contractor information.

⁷In keeping with the guiding principle that the system should be designed as an incentive, not a punishment, for contractors, and to minimize resistance on the part of contractors, the initial requirement is simply that the reports be submitted as part of responses to Request for Proposal (RFP) or Invitation to Bid (ITB) documents. These reports were to be studied for a period of 12 to 18 months with the goal of developing an incentive scoring system for future evaluation of contract bids. This phase of the Initiative has not gone forward due to a change in the state administration. While it has not been a priority of the current administration, it will be easy for the analysis to take place when it again becomes a priority. In fact, much more data than initially planned will be available.

POTENTIAL FOR REPLICATION

The New Mexico model can and should be exported and replicated. The consultant who directed the Initiative has had ongoing inquiries from several states and municipalities, including the city of New York, and the New York state government.

Executive and/or legislative support is critical to the success of any similar effort. Legislation is more permanent than executive or administrative action, but it can take years, if not decades to get such measures passed. In fact, no legislation requiring pay equity reporting or public disclosure of pay data by gender that we know of has become law in any state. While Executive Orders are subject to overturning by subsequent administrations, the danger of this is most likely exaggerated. (Executive Order 11246 addressing workplace discrimination by federal contractors, issued by President Johnson in 1965, is still in force.) Once an EO addressing pay equity, one of the highest concerns of women, is issued, there is little or no political upside for subsequent administrations to overturn it.

The City of Albuquerque is in the process of replicating the initiative at the city level. This will be done by city ordinance (passed unanimously in November, 2013 by a bi-partisan vote), and implemented in much the same way as it was done at the state level. Policies, procedures, and reporting forms are being imported directly from the state Initiative. A pay equity study of the city workforce has already been completed, and funds for a task force have been appropriated. Many of the city contractors are already reporting at the state level, so the requirement from the city will be neither complicated nor burdensome. Plans include development within six months of an incentive system for extra points to those contractors who exhibit smaller gender wage gaps than their competitors.

Albuquerque is the state's largest city, comparable in size to Miami, Atlanta, Denver, Baltimore, Milwaukee, Kansas City, Boston, and Omaha.

The County of Bernalillo (which includes Albuquerque) is also implementing a comparable initiative. In addition to those containing some of the cities above, counties of this size nationwide include those that contain the cities of Rochester, Birmingham, Providence, Stockton, Jersey City, and Fort Myers.

CONCLUSION

New Mexico's experience has shown that pay equity reporting by state contractors can be successfully implemented, and that it can be replicated at various levels of government.

Beyond fairness for women, men, and persons of color, support for such initiatives can be built on public policy benefits broader than ending pay discrimination alone. Fair wages benefit the tax bases and result in a healthier overall economy. By increasing wages, closing pay gaps can lower the burden on public services such as Medicaid, subsidized child care, and food stamps.

APPENDIX I

Links for the New Mexico Pay Equity Initiative

New Mexico General Services Administration Information Page for the Initiative:

Effective July 1, 2010, businesses seeking new contracts with any Executive Branch state agency will be required to comply with the requirements of Executive Order 2009-049, to aid in identifying and combating pay inequity and job segregation in the State of New Mexico, as a condition of being awarded a contract. Background and compliance information, as well as the necessary reporting forms, may be obtained from this web page.

http://www.generalservices.state.nm.us/uploads/FileLinks/3807450d09e04436ad92ac4534e7f125/Pay%20Equity%20_revkb_6-28-11.pdf

Topics covered (each has a separate link):

Quick Links to Key Documents

Executive Order 2009-049: December 18, 2009

E.O. Implementation Guidance: April 26, 2010 (pdf)

E.O. Implementation Guidance: April 26, 2010 (doc)

Pay Equity Reporting - Contractors with Less Than 10 Employees

Pay Equity Reporting Form: October 1, 2010 and After - Contractors with 10 or More Employees (PE10-249 Form)

- *PE10-249 Form Worksheet (xls)*
- *PE10-249 Form Worksheet Instructions (pdf)*
- *PE10-249 Employee Data Entry Form (xls)*
- *PE10-249 Employee Data Entry Form Instructions (pdf)*

Pay Equity Reporting Form: October 1, 2011, and After - Contractors with 250 or More Employees (PE250 Form)

Description of Job Categories

Frequently Asked Questions for Contractors

Governor's Pay Equity Task Force Report: September 30, 2009

APPENDIX II
Pay Equity Reporting Worksheets and Forms

**Worksheet Employee Data Entry Spreadsheet
Used by Contractors but Not Submitted to the State**

[illegible]

Interim Information Sheet Automatically Generated for Employer Use, Not Submitted to the State

Pay Equity Report PE10-249 Worksheet

Company name:

Mailing address line 1:

Mailing address line 2:

City, state, zip code:

Phone:

E-mail address:

FEIN number:

EAN number:

SHARE vendor number:

Reporting calendar year:

0
0
0
0
0
0
0
0
0
0
0

Job Category	No. Females	Female Grand Total Comp.	Female Grand Total Hours	Female Avg	No. Males	Male Grand Total Comp.	Male Grand Total Hours	Male Avg	Gap (Absolute \$)	Gap (Absolute %)
1 - Officers and Managers	0	0	0	N/A	0	0	0	N/A	N/A	N/A
2 - Professionals	0	0	0	N/A	0	0	0	N/A	N/A	N/A
3 - Technicians	0	0	0	N/A	0	0	0	N/A	N/A	N/A
4 - Sales Workers	0	0	0	N/A	0	0	0	N/A	N/A	N/A
5 - Office and Admin. Support	0	0	0	N/A	0	0	0	N/A	N/A	N/A
6 - Craft Workers (Skilled)	0	0	0	N/A	0	0	0	N/A	N/A	N/A
7 - Operatives (Semi-Skilled)	0	0	0	N/A	0	0	0	N/A	N/A	N/A
8 - Laborers (Unskilled)	0	0	0	N/A	0	0	0	N/A	N/A	N/A
9 - Service Workers	0	0	0	N/A	0	0	0	N/A	N/A	N/A

Total # Job Categories With No Employees	9
Total # Female Only Job Categories	0
Total # Male Only Job Categories	0
Total # Females (all categories)	0
Total # Full Time Females	0
Total # Part Time Females	0
Total # Males (all categories)	0
Total # Full Time Males	0
Total # Part Time Males	0
Total # Employees	0
% of Total for Females	
% of Total for Males	

Submitted to the State of New Mexico

Pay Equity Reporting Form PE10-249

Company name:
 Mailing address line 1:
 Mailing address line 2:
 City, state, zip code:
 Phone:
 E-mail address:
 FEIN number:
 EAN number:
 SHARE vendor number
 Reporting calendar year:

0
0
0
0
0
0
0
0
0
0

Job Category	No. Females	No. Males	Gap (Absolute %)
1 - Officers and Managers	0	0	N/A
2 - Professionals	0	0	N/A
3 - Technicians	0	0	N/A
4 - Sales Workers	0	0	N/A
5 - Office and Admin. Support	0	0	N/A
6 - Craft Workers (Skilled)	0	0	N/A
7 - Operatives (Semi-Skilled)	0	0	N/A
8 - Laborers (Unskilled)	0	0	N/A
9 - Service Workers	0	0	N/A

Total # Job Categories With No Employees
 Total # Female Only Job Categories
 Total # Male Only Job Categories
 Total # Females (all categories)
 Total # Full Time Females
 Total # Part Time Females
 Total # Males (all categories)
 Total # Full Time Males
 Total # Part Time Males
 Total # Employees
 Female % Workforce
 Male % Workforce

9
 0
 0
 0
 0
 0
 0
 0
 0
 0

Document must be signed by the principal executive of the company:

ITB # _____ RFP# _____ PO# _____

Name and title, printed

Signature

Date

Appendix III

State of New Mexico Executive Order 2009-049
Fair and Equal Pay for All New Mexicans



State of New Mexico

Office of the Governor

Bill Richardson
Governor

EXECUTIVE ORDER 2009-049

FAIR AND EQUAL PAY FOR ALL NEW MEXICANS

WHEREAS, pay equity gaps exist when men and women do the same or comparable work yet are paid disparate wages;

WHEREAS, job segregation refers to a situation where any given job title or category is predominately, or totally, held by one gender or the other;

WHEREAS, it is the policy of the State of New Mexico to identify and combat pay inequity and job segregation;

WHEREAS, the negative impact of pay inequity and job segregation affects thousands of New Mexican families, and also has a significant impact on the State, through the provision of various public subsidies for low income residents;

WHEREAS, the Richardson Administration has taken significant steps to address pay gaps between men and women and to reduce job segregation. Such steps include appointing in 2003 the New Mexico Pay Equity Task Force to identify issues surrounding pay equity in the State of New Mexico, raising the State minimum wage, and supporting unions;

WHEREAS, in a further effort to identify and combat pay inequity and job segregation, Governor Richardson appointed a Senior Policy Advisor on Women's Issues and ordered a study of State classified employees' wages be conducted. This study evaluated aggregate data on employment in the classified system and pay by gender and job category throughout the State of New Mexico classified workforce;

WHEREAS, the Richardson Administration also appointed in 2009, the Task Force on Fair and Equal Pay to consider specific recommendations for legislative, regulatory, and other initiatives to further investigate, close or eliminate gaps in pay and job segregation for individuals employed in the State classified system; develop training and other resources for State agencies to effectively close or eliminate any gaps in pay and job segregation; develop systems for private employers to use to measure and remedy possible pay gaps and job segregation; and develop goals and timelines in which the State of New Mexico may close or eliminate pay gaps in the classified system and reduce job segregation;

WHEREAS, the Task Force on Fair and Equal Pay was also tasked with researching and reporting on methods and procedures for requiring entities holding contracts with the State to study and remedy any pay equity and job segregation issues within their own businesses, including reasonable accommodations for small business and timelines for implementation;

WHEREAS, the Task Force on Fair and Equal Pay submitted its Report to the Office of the Governor in September 2009, substantiating the preliminary findings of the Task Force. Namely, that the State's classified employment system has for the most part eliminated serious pay inequity. Further, where pay equity gaps exist in the classified system, such gaps, while not acceptable, are substantially below national averages;

WHEREAS, while it is important to establish pay equity within the State system, it is also fair and reasonable to require the same for those entities that seek valuable contracts with the State of New Mexico;

WHEREAS, New Mexico strives to be a leader in the United States when it comes to pay equity, as the goal of pay equity is not to decrease the wages of any employee or group of employees, but to ensure fair and equal pay for all workers.

NOW THEREFORE, I, Bill Richardson, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the laws of the State of New Mexico, do hereby direct the following:

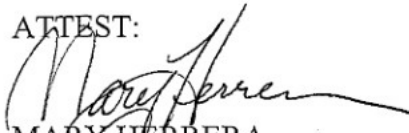
1. The State Personnel Office ("SPO") to prepare and submit to the Governor an annual Fair and Equal Pay Report including pay information for every Executive Agency; such Reports should identify any pay gaps that exist at the individual Agency level. The first Fair and Equal Pay Report shall be submitted by SPO no later than December 31, 2010. Thereafter, annual reports shall be submitted to the Governor's Office no later than October 1 of each year. Further, SPO shall develop templates for Agencies to use in addressing and, eliminating non job-related pay gaps in the state classified system. Reports may be of the same type SPO provided for the Pay Equity Study of the state classified workforce completed in 2009.
2. Each Executive Agency is directed to review the annual Report and submit plans to SPO for overcoming any non job-related pay gaps. SPO shall, when requested, provide technical assistance to Agencies in achieving their goals.
3. By February 28, 2010, a Working Group consisting of the Secretaries or their designees of the General Services Department, the Department of Finance and Administration, the Economic Development Department, the State Personnel Office and Dr. Martha Burk, Senior Advisor for Women's Issues to the Governor, will develop definitions and reporting format requirements for contractors who will be required to submit reports as directed by this Executive Order.

- A. The definitions to be developed by the Working Group will include, but not be limited to, the terms "contractor," "New Mexico employee," "job title," job classification," and "pay band;"
- B. The Working Group is also charged with identifying classes of contracts for which pay equity reports may be irrelevant, if any;
- C. Effective January 1, 2010, Executive Branch Agencies with state contracts including approved vendor relationships solicited or awarded will require contractors with 10 or more employees to file a pay equity report on or before July 1, 2010, with the State of New Mexico, and annually thereafter for multi-year contracts. Contractors with fewer than 10 employees but at least 8 individuals doing the same job may be required to file reports at the discretion of the Working Group. For contracts awarded after July 1, 2010, but before January 1, 2011, reports will be due on the date of the contract award. Beginning January 1, 2011, reports will be part of the Request for Proposal process as outlined below. Reports filed in 2010 will be informational only. Uniform reporting instructions and criteria will be provided by the State of New Mexico in advance of the first reporting deadline. Technical assistance to those companies requesting it will also be provided.
- D. By October 1, 2010, the Working Group will develop a system for incentivizing progress toward pay equity in the scoring of Requests For Proposals, and other bidding processes; such incentive programs will be standardized across all Executive Agencies. The incentive system will recognize that certain work related factors (e.g. seniority, piece rates) may contribute to pay disparities, and provide an appropriate mechanism for contractors to explain such work related disparities;
- E. The Working Group will also develop guidelines and prospective timelines for inclusion of race and ethnicity data in future pay equity reports insofar as feasible.
- F. Effective no later than January 1, 2011, the State of New Mexico will institute an incentive point system to apply in scoring of Requests For Proposals, and other bidding processes, for overcoming gender pay gaps that are not due to job-related factors.

- G. Information in the pay equity reports, including explanations of job-related pay disparities, must be certified by the principal executive officer of the contracting company, and will be subject to audit by the New Mexico State Auditor.
- H. When drafting the uniform instructions and criteria, the Workgroup will mandate information in pay equity reports including but not limited to:
 - 1. the number of employees;
 - 2. the percentage of each gender in the workforce; and
 - 3. the number of each gender in each job title, pay band, or similar job classification system as determined in implementing definitions and guidelines instituted by the Working Group;
 - 4. the percentage of gender pay gaps, if any, by job title, job category, or pay band, or similar job classification system, as determined in implementing definitions and guidelines instituted by the Working Group.
- I. The Working Group is prohibited from requiring in pay equity reports:
 - 1. dollar amounts paid to any individual employee, and
 - 2. the average or actual dollar amounts paid to any group of employees.
- 4. The State of New Mexico will provide technical assistance to contractors and prospective contractors for complying with this Order.
- 5. The Working Group shall be an advisory body that makes recommendations to the Governor and in no event shall it make final decisions regarding policy.
- 6. Working Group members shall serve voluntarily and shall receive no pay for their services, nor shall they be reimbursed for travel or subsistence expenses, unless otherwise provided by law.
- 7. Nothing in this Executive Order is intended to create a private right of action to enforce any provision of this Order or to mandate the undertaking of any particular action pursuant to this Order; nor is this Order intended to diminish or expand any existing legal rights or remedies.

THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as it is rescinded by the Governor.

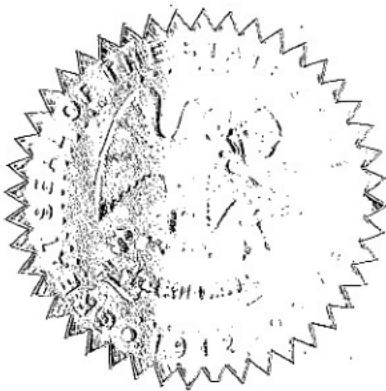
ATTEST:


MARY HERRERA
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 18th DAY OF DECEMBER, 2009

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO


BILL RICHARDSON
GOVERNOR



Women, jobs and opportunity in the 21st century

Anthony P. Carnevale, PhD and Nicole Smith, PhD

This paper was prepared with funding from the U.S. Department of Labor. The views expressed are those of the authors and should not be attributed to the Federal Government or the Department of Labor.

Introduction

Over the 50 years since President Lyndon Johnson launched the War on Poverty, women have made unprecedented strides in education to the point where they now outnumber men at every level of the higher education ladder. In 1964, only 40.7 percent of women enrolled in college after graduating from high school. Today, that figure is 70.2 percent, and there are roughly 240,000 more women in college than men. About 60 percent of all Associate's and Master's degrees go to female candidates, and the ratio is almost the same for Bachelor's degrees. Women recently surpassed men in doctoral degrees awarded as well. All in all, the story of women's access to higher education and their graduation rates in recent decades is one of remarkable success.

Figure 1: Since 1977, more women than men have enrolled in degree- and certificate-programs combined.

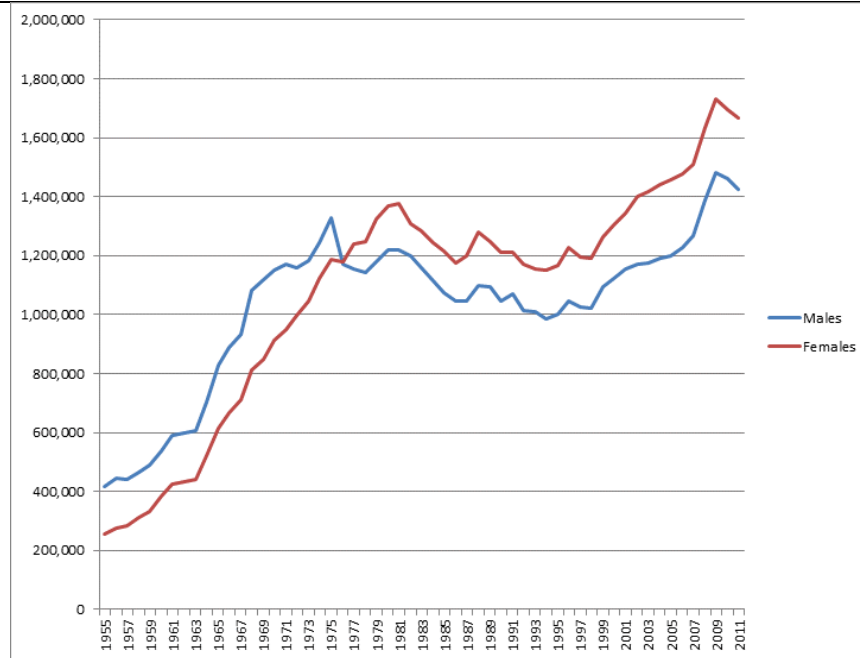
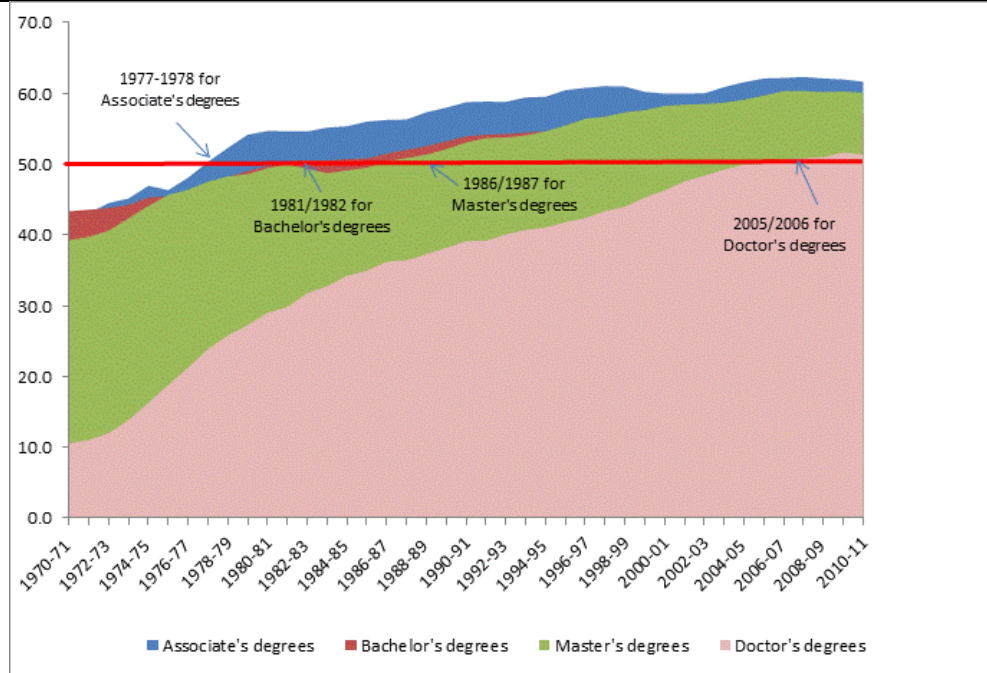


Figure 2: By degree time, women outnumber men at all education levels. Using the 50% horizontal red line as a marker, 1977 was the first year in which women outnumbered men in Associate's degrees; 1982 for Bachelor's degrees, 1986 for Master's degrees and finally 2005 for Doctoral degrees.



U.S. Department of Education, National Center for Education Statistics. Digest of Educational Statistics, 2012. Tables 232 and 310.

This paper examines a paradox: women in general are doing better in terms of educational attainment than ever before and yet still are failing to realize their full earnings potential, regardless of their educational level. Why, when we know that education is critical to women's advancement, do so many women facing future economic insecurity fail to pursue any kind of education after high school? And even if they do pursue postsecondary education or training, why do so many women make choices for themselves that limit their lifetime earnings?

This paper also will identify some of the existing barriers that limit women's educational success. We look at the life choices women make in school and in the workplace and how these choices influence wage outcomes. Further, we will examine the deep-seated biases and social pressures that cause so many women to gravitate to occupations, courses of study and college majors that offer relatively low pay and income insufficient to support a family. Finally we explore the implications of women's educational success on intergenerational economic mobility and improved economic opportunities over time.

A New Social Compact

The world has changed in countless ways since President Johnson launched the War on Poverty in 1964. Perhaps no single factor has influenced women's economic well-being more than the dramatic increase in the number and types of jobs requiring a higher education. In the 1960s, Americans with high school diplomas and those who belonged to unions or worked in the booming manufacturing sectors or construction industries could often support families comfortably on a single income. Today, that social contract has dissolved. The high school diploma has been replaced as the passport to the middle class by the much more costly Bachelor's degree.

Individuals with a Bachelor's degree now make 84 percent more over a lifetime than those with only a high school diploma, up from 75 percent more in 1999. Today, Bachelor's degree holders can expect median lifetime earnings approaching \$2.3 million. By comparison, workers with just a high school diploma average roughly \$1.3 million, which translates into a little more than \$15 per hour. In 1970, 76 percent of middle-class America had only a high school diploma. By 2008, only 36 percent of middle-class America had only a high school diploma.

By the same token, 28 percent of jobs required postsecondary education and training beyond high school in 1973. Today that figure has risen to 60 percent, and by 2020, 65 percent of all jobs will require a postsecondary credential.¹ What explains this steady increase in the demand for higher levels of education to qualify for an increasing number of jobs? Part of the answer lies in skills biased technological change (SBTC) and the relative ability of the higher education machinery to keep up. Claudia Goldin and Lawrence Katz argue that the rate of technological development has - in the past four decades - outpaced the supply of college graduates.² In this race, technology won, and education has failed to keep pace. The nature of work has also changed. Jobs requiring physical skills have declined and jobs requiring cognitive and communicative skills have grown in importance, giving rise to a growing complexity of the workplace and work organization.

This new reality demands a level of awareness and planning on the part of all Americans. Young people have to make financial investments in their future earnings at the outset of their careers in a way that previous generations did not. Such an investment requires a level of sophistication about the cost of a higher education degree, student loans, and debt-to-earnings ratios that confounds many students and their parents. As a country, we must face up to a new obligation to inform citizens about how to obtain the education they need and how to pay for it responsibly. Evidence of our failure to assist the younger

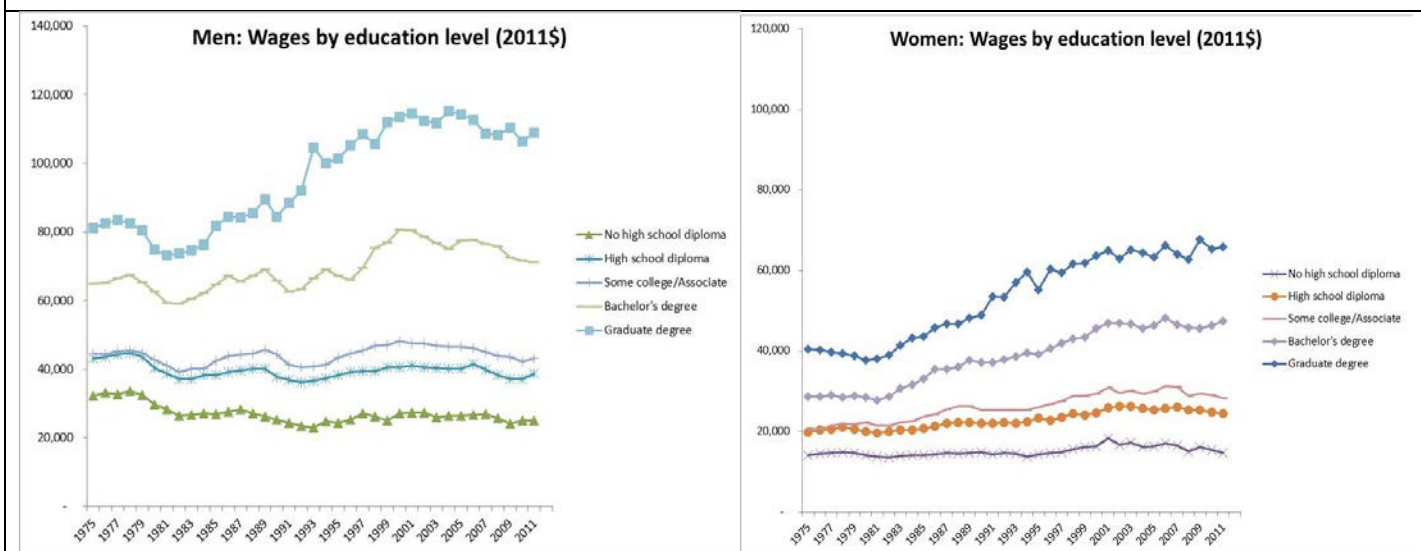
¹ Carnevale, Smith, Strohl (2013).

² Goldin and Katz (2010)

generation to traverse this pathway is seen in mounting student loan debt and increasing default rates. Student debt is now estimated at \$1 trillion, while close to 9 percent of all student loan borrowers are in default, with a marginally larger number (one in 10) of borrowers over 90 days late.

But the burden of debt payments is especially significant for women, who, regardless of education levels, still find their earnings eclipsed by the persistent wage gap. In a recent report, the American Association of University Women (AAUW) shows that an average of 20 percent of women's take-home pay goes to service student loans, while for men, it's 15 percent.³ The reasons for this are complex and by no means limited to the occupational choices women make. Nonetheless, little in the past half century has erased the career tracking that disproportionately shunts even highly educated women into lower-paying, lower-benefit, female-dominated professions. As a result, men continue to out-earn women at every level of educational attainment: women with a Bachelor's degree earn what men with an Associate's degree make, and women with an Associate's degree earn what men who only have some college credits make. On average, a woman with a PhD earns only what a man with a Bachelor's degree makes.

Figure 3: Real wages for men are higher than those for women at every level of educational attainment and do not seem to be improving over time.

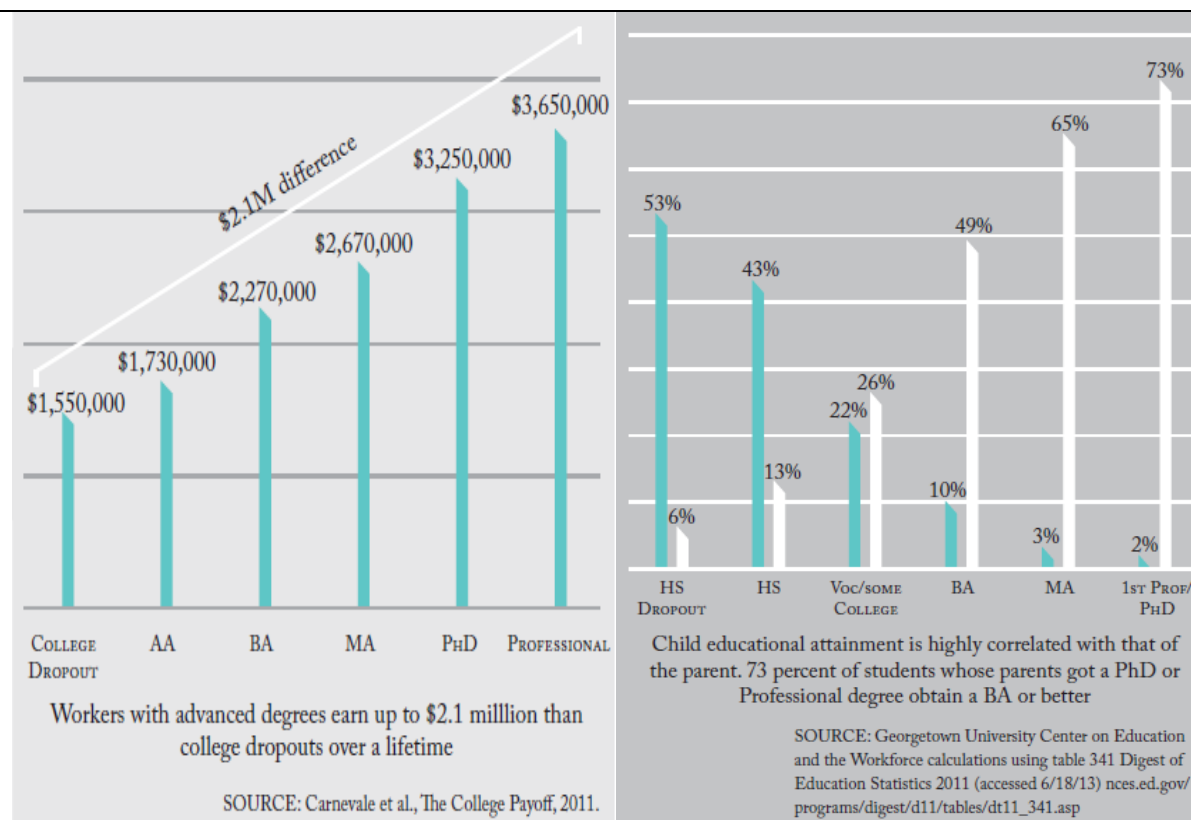


Source: CPS, Various years

³ Corbett and Hill (2013)

Despite the gender pay gap, the lifetime value of a higher education is beyond dispute. In 2012, the median weekly earnings of a person with a high school diploma were \$652 – \$33,904 a year, far below the 200 percent of poverty threshold for a family of four. A person with an Associate’s degree earns 20 percent more annually than someone with a high school degree, and someone with a Bachelor’s degree earns 63 percent more.⁴ Over a lifetime, a worker with an advanced degree can earn up to \$2.1 million more than someone who drops out of college.⁵

Figure 4: The hierarchical relationship between educational attainment and earnings is fairly well established; and college-educated parents are in a better position to prepare their kids for college.



Source: Carnevale et al. The College Payoff, 2011

Upward mobility remains a challenge for women

Intergenerational mobility refers to the transfer of material wealth, education, economic opportunity and privilege to the next generation. A society that is highly mobile allows for upward movement of its

⁴ http://www.bls.gov/emp/ep_chart_001.htm

⁵ Carnevale et. al. The College Payoff, (2011)

children, irrespective of their parents' social standing or economic success. In an upwardly mobile society, one's own effort, determination, belief, hard work, and grit are rewarded with economic success. By contrast, a less mobile society relies more heavily on social influence, bias, and favoritism, and a child's economic success in that society is highly connected to the success level of his or her parents. By most relative estimates, the United States is one of the least mobile societies when measured from an income perspective or an education perspective. The Organization for Economic Co-operation and Development (OECD) finds that social mobility in the United States is lower than in many other developed countries.⁶ By recent OECD estimates, 47 percent of a U.S. child's wealth is passed on from his or her parents and 42 percent of the time, a child's attainment level is reflective of what his or her parents achieved. We Americans are less likely than Europeans to achieve better economic outcomes than our parents. This inflexibility runs counter to the mainstream American ethos of "pulling yourself up by your bootstraps" and self-improvement by one's own efforts.

The traditional argument favoring inequality views the disparity as the price we pay for a dynamic economy that provides opportunity for the innovative. The stark reality, however, is that the degree of connectivity between educational attainment and choice of major and wages and salaries, inequality, and upward mobility is so pronounced that the inability to accumulate economic advantage in this generation has long-lasting consequences.

Higher education plays a significant role in breaking a generational cycle of poverty in a family. Studies show that parents' education levels strongly correlate to their children's educational outcomes, and thus to their economic success.⁷ In fact, parental education is now more important than family income in determining a child's future opportunity. And since education levels condition earnings potential, education is now a far more important precursor to economic success. Among children whose parents have a PhD or professional degree, 73 percent obtain a Bachelor's degree or higher. Among those whose parents are high school dropouts, that figure is only 6 percent.⁸

Yet, when it comes to wage gains by age cohort, women have been falling behind. Women's wage attainment is not commensurate with their educational attainment, even for those who choose the "right" majors. While women's gains in educational attainment are indisputable, those gains are not rewarded by lower wage gaps with men later in life. In fact, the gender wage gap widens with age – a fact that has not changed in the past 30 years. In 1980, 40 percent of young women, (25 to 44 years old) and 25 percent of

⁶ OECD, 2010

⁷ Improving Child Care Access to Promote Postsecondary Success among Low-income Parents, p. 3.

⁸ Georgetown University Center on Education and the Workforce calculations, 2011.

mature women, (45 to 64 years old) possessed postsecondary education and/or training beyond high school. By 2012, 67 percent of young women and 61 percent of mature women possessed postsecondary education and training beyond high school. Wage gains for mature women with postsecondary credentials, as compared with younger women, have also been substantial. Over the 32-year time frame, the wages of mature women with postsecondary credentials increased by 9 percentage points more than the increase for young women. Although women are running faster and faster, they still are not catching up with men. In 2012, young women with a Bachelor's degree earned just 77 cents for every dollar earned by young men with the same degree. For mature women with a Bachelor's degree, the gap with men had widened to 62 cents on the dollar.

The standard explanations for the wage gap, e.g., relatively less job tenure, part-time work, and choice of occupations, have not changed substantially over the 30-year period. About one out of every four women works part-time today, a figure that has remained fairly stable over time, with some countercyclical changes in that pattern during recessions.⁹ In general, many women choose to work part-time much more often than men for voluntarily (non-economic) reasons. The Bureau of Labor Statistics provides several explanations for voluntary part-time employment, including medical reasons, "childcare problems, family or personal obligations, school or training, retirement or Social Security limits on earnings, and other reasons."¹⁰ For men, part-time work tends to be involuntary. Only one in 10 men works part-time.

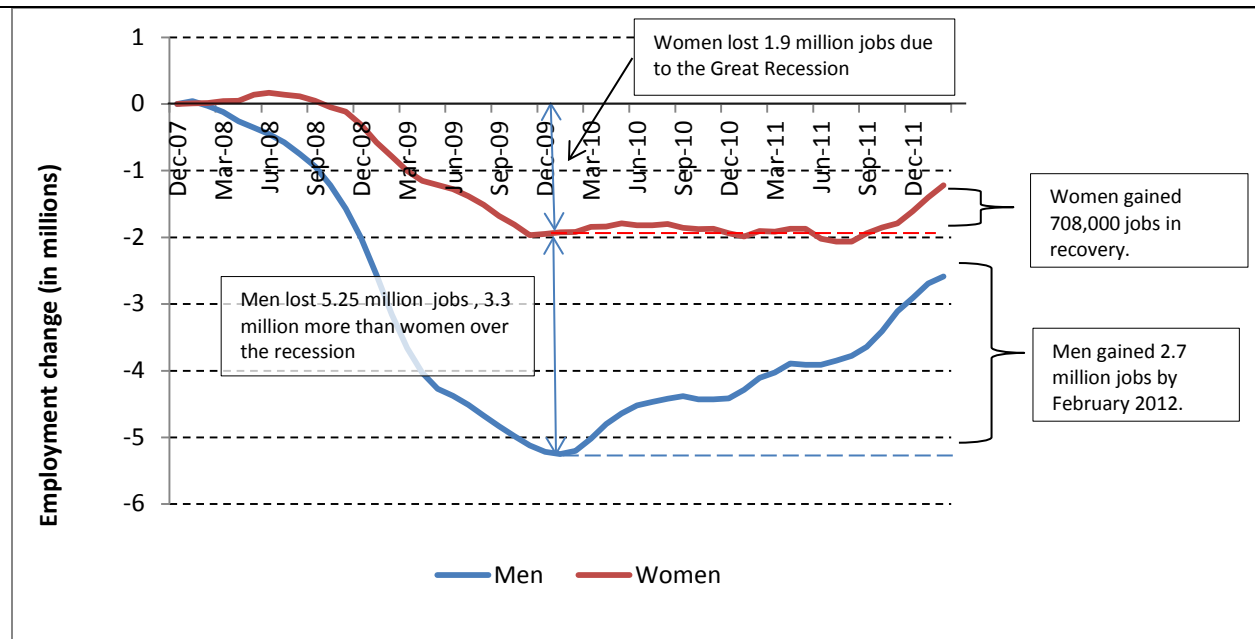
The Mancession left women worse off, too

So much of the narrative of those affected by the Great Recession of 2007 has focused on the plight of men that the negative impact on women is lost in the fray. At one end are the women who, during the economic slump, were applauded in the media for holding down jobs that brought in much-needed second-family incomes as the "mancession" destroyed jobs in male-dominated housing, construction, and manufacturing sectors. Yet the jobs women held were mostly in retail, food and hospitality, and healthcare support – sectors that offered lower wages and higher turnover than other sectors. While more men lost jobs during the Great Recession, more men than women have regained jobs during the recovery (See chart below).

⁹ Twenty-six percent of working women worked part-time in 2012 (14% were part-time voluntarily, 8% for involuntary reasons and 5% for other reasons). CEW Analysis of CPS data, various years.

¹⁰ Shaefer, 2009.

Figure 5: Over 3 million more men lost jobs during the recession than women, but men also gained jobs back in the recovery at a faster rate than women



Source: Carnevale et. al. *The College Advantage* (2010)

Education matters at all levels

Pre-K and K-12

In the United States, about half the inequality in the present value of lifetime earnings is due to factors determined by age 18.¹¹ A substantial body of research confirms the benefits of preschool education, finding both long- and short-term improvement in children receiving preschool education that can significantly affect the likelihood of their economic success. Studies show that early childhood education develops critical soft skills such as cognitive learning, attention, motivation, and self-confidence, making it more likely for a child to succeed in school and in the workforce.¹² Thus, expanding early childhood education results in an unparalleled economic return on investment. According to University of Chicago economics professor and Nobel Laureate James Heckman, pre-K programs for disadvantaged children have a 7-10 percent rate of return, meaning that for every dollar a

¹¹ See James J. Heckman, "The Case for Investing in Disadvantaged Young Children," *Big Ideas for Children: Investing in our Nation's Future*, p. 49, available at <http://www.heckmanequation.org/content/resource/case-investing-disadvantaged-young-children>.

¹² See <http://www.npr.org/blogs/money/2011/08/12/139583385/preschool-the-best-job-training-program>.

state spends on preschool, it will get back \$60 to \$300 from increased earnings and the decreased need for public services over that child's lifetime.¹³ Former Federal Reserve Chairman Ben Bernanke has also touted the economic benefits of early childhood education, noting that “very few alternative investments can promise that kind of return.”¹⁴

Once a child reaches elementary school, the achievement gaps between wealthy and low-income students remain locked in place through college.¹⁵ Because public schools in the United States continue to be financed largely from local property taxes, students from low-income families are likely to attend public schools with limited resources and are thus less likely to receive a quality education. The enrichment activities, guidance counselors, and other resources that put a child on the college track at an early age are lacking for many low-income students.

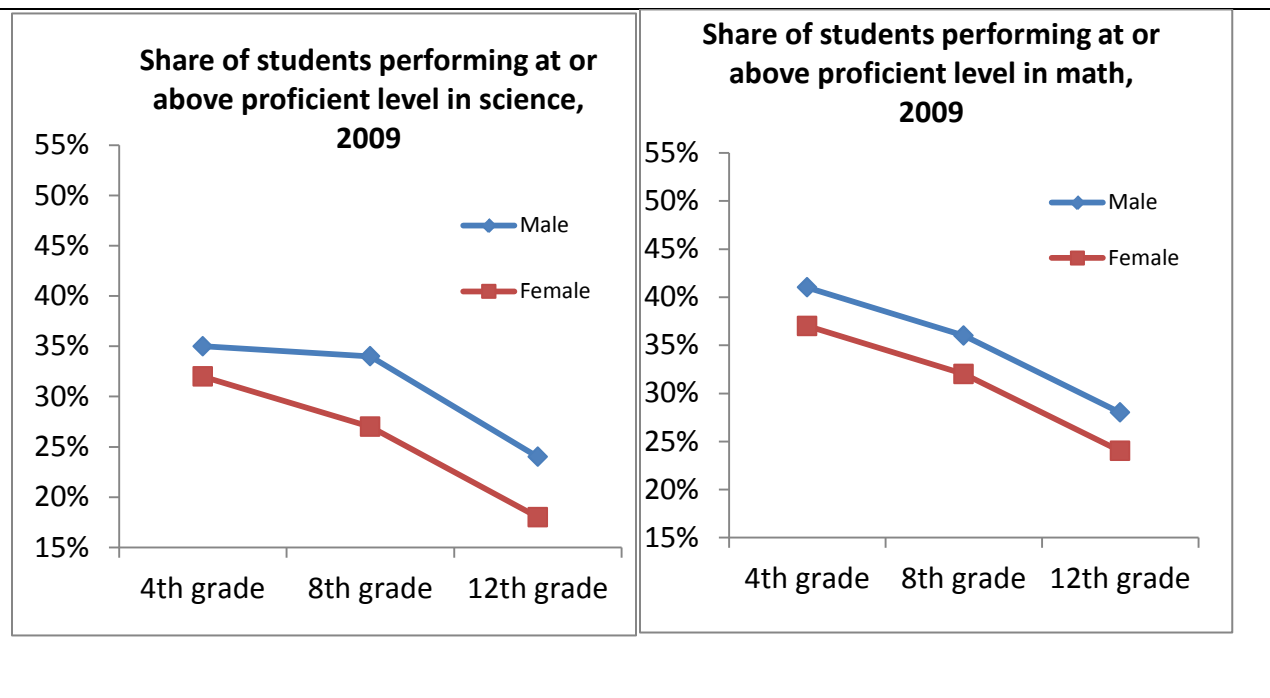
Perhaps one of the most significant academic markers for girls is the sharp drop-off in math and science proficiency that occurs among girls in middle school and high school. By 8th grade, only 32 percent of girls are proficient in math, and 27 percent, in science. By 12th grade, those numbers have dropped even further: 24 percent of girls are proficient in math and 18 percent in science. Unable to perform the basics of math and science, the majority of girls are cut off from the more lucrative science, technology, engineering and math (STEM) careers at an early age. While there is a drop-off for both girls and boys, women start at a lower level of proficiency and continue at a lower level of proficiency, as can be seen in the charts below. In addition, boys' proficiency in math does not drop sharply until the period between the 8th and 12th grades, whereas girls' proficiency shows a steady decline between the 4th and 12th grades.

¹³ Kayla Webley, “Rethinking Pre-K: 5 Ways to Fix Preschool,” *Time*, Sept. 26, 2011, available at <http://www.time.com/time/nation/article/0,8599,2094847-2,00.html>.

¹⁴ Speech by Chairman Ben S. Bernanke at the Children's Defense Fund National Conference, July 24, 2012, available at <http://www.federalreserve.gov/newsevents/speech/bernanke20120724a.htm#fn4>.

¹⁵ Rebecca Strauss, “Schooling Ourselves in an Unequal America”, *New York Times*, June 16, 2013, available at <http://query.nytimes.com/search/sitesearch/#/schooling+ourselves+in+an+unequal+america>

Figure 6: A declining share of students show competency in Math and Science courses at the K-12 level (Essential prerequisites to a postsecondary education in Science, Technology, Engineering and Mathematics STEM).



Source: The National Assessment of Educational Progress (NAEP). The Nation's Report Card (2011).

Though a higher percentage of boys drop out of high school compared to girls (3.8% for boys and 2.9% for girls), the economic consequences of not completing high school are even more severe for girls than for boys.¹⁶ Even if girls later pass a General Educational Development (GED) test, their earning potential will be lower than if they graduated from high school. According to the U.S. Census Bureau, in 2009, 16.9 million adults earned a GED certificate to satisfy their high school requirements. The Bureau reports that “while 73 percent of those who received a high school diploma went on to complete at least some postsecondary education, less than half (43 percent) of GED certificate recipients did so. Furthermore, only 5 percent earned a bachelor’s degree or higher. In contrast, of high school diploma holders, 33 percent earned this level of education.”¹⁷ Studies by Chicago’s James Heckman have also shown that the GED has “minimal value in terms of labor market outcomes.”¹⁸ Despite these negative

¹⁶ National Center for Education Statistics, Education Digest, 2012. These statistics do not include students who take longer than four years to graduate and those who earn a GED certificate instead of a high school diploma.

¹⁷ U.S. Census Bureau, <http://blogs.census.gov/2012/02/27/ged-recipients-have-lower-earnings-are-less-likely-to-enter-college/>

¹⁸ Heckman, 2010, The GED.

outcomes, for many “at-risk” students, completion of the GED may present better options than the alternative of not completing it at all. Obtaining a GED is associated with higher earnings at age 27 for those male dropouts who had very weak cognitive skills as 10th graders, but not for those who had stronger cognitive skills as tenth graders.¹⁹

Postsecondary

Certificates

The financial consequences of highest level of educational attainment are profound, affecting a woman’s ability to support herself and her family. In this section we look at the occupational choices women make, and the complex reasons behind those choices, which all too often limit a woman’s lifetime earning potential.

Nowhere is this more apparent than at the certificate level. Of the 15 different certificate fields of study identified at postsecondary institutions that qualify for U.S. federal student aid, 13 are extremely “sex segregated”—meaning that one gender makes up at least 75 percent of enrollment. Certificates can be a stepping stone on a somewhat circuitous education pathway. But men seem to get far more labor market traction from this strategy than women. That may be, in part, due to the types of certificates women earn – for instance, cosmetology, healthcare, or food service—while men gravitate more often to higher-paying fields such as welding and air conditioning repair.

Overall, the wage premium conferred by earning a certificate, as compared to a high school diploma, is 27 percent for men, but just 16 percent for women. The disparity is so great that it’s often better for women to forgo earning a certificate and aim instead for at least a two-year Associate’s degree—though there are caveats. Women in certain high-earning certificate fields such as engineering or computing, do well compared to their male counterparts, and certificates may also be a good option for women who are interested in a credential that will give them the flexibility to accommodate family responsibilities such as a cosmetology credential.

¹⁹ Murnane et. al. 2000.

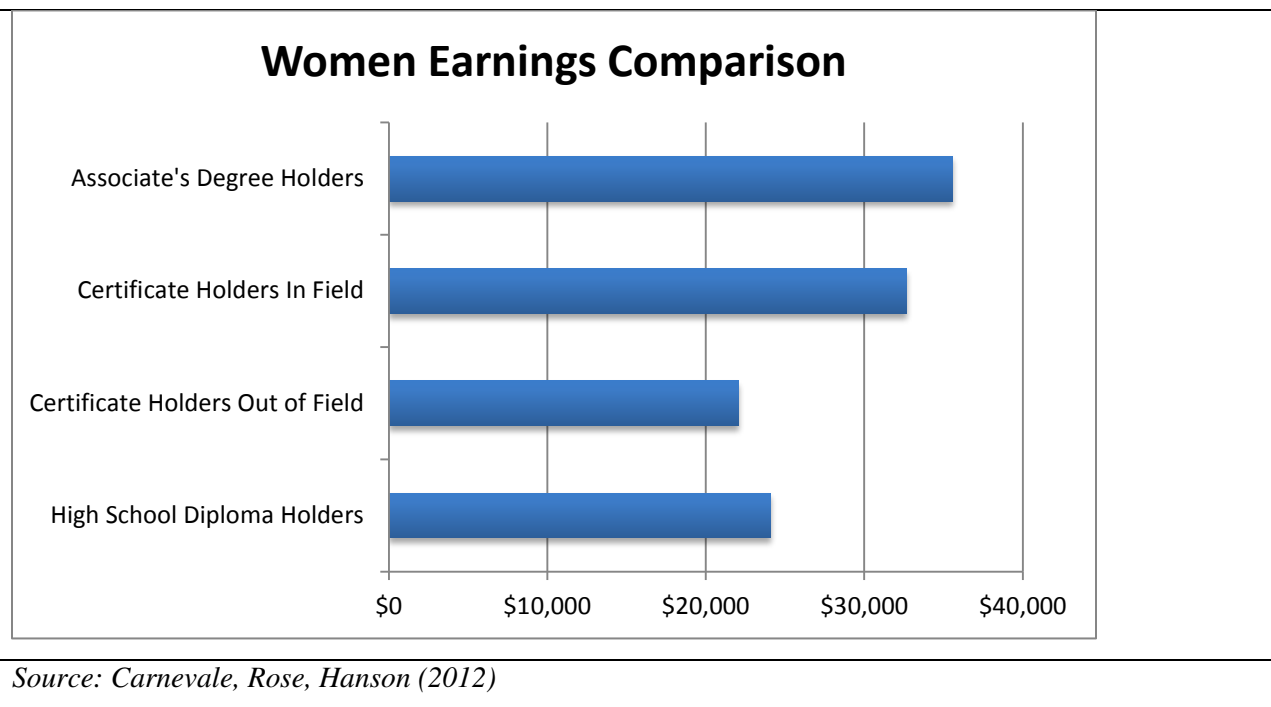
Certificates Often Do Not Lead to Middle-Class Earnings for Women

Table 1: Female certificate holders' earnings are low, especially in food service and cosmetology.

Certificate field	Percentage of women in each field	Median earnings	Relative earnings to all female certificate holders
All		\$27,191	
Business/Office Management	19.4%	\$32,690	20.2%
Computer and Information Services	6.1%	\$29,986	10.3%
Police/Protective Services	0.5%	\$27,761	2.1%
Other Fields, not specified	29.9%	\$26,938	-0.9%
Healthcare	27.5%	\$25,753	-5.3%
Transportation and Materials Moving	0.7%	\$25,686	-5.5%
Cosmetology	14.3%	\$22,711	-16.5%
Food Service	1.4%	\$20,974	-22.9%

Women with certificates who work out of field earn less, on average, than women with high school diplomas.

Figure 7: For women who pursue postsecondary certificates, getting a job in field is extremely important to earning a living wage



As shown in the chart above, the opportunity cost of obtaining a postsecondary vocational certificate may not be worth it for women if they do not find a job directly related to their academic field. In fact, women with just a high school diploma out-earn women who hold certificates when the latter work in jobs not directly related to their educational credential. So why do many women bother to earn certificates when there is so little apparent financial benefit? We offer three possible answers. First, there are many part-time opportunities for women in these fields, and women may have chosen the fields for the added convenience of being able to set their hours or to move in and out of the labor force; hence, their lower earnings may be due to fewer hours worked. Second, there are few medium-paying medium-skilled jobs available to women without at least a two-year college degree. A final possibility is that these workers are getting non-monetary benefits from their certificates, such as increased job freedom, career relevance and reduced work stress (Rosenbaum, 2011).

Healthcare, transportation, cosmetology, and food services jobs offer especially low returns for women, with pay levels below the average earnings of all other certificates. Business and office management and computer and information services pay better, but are not exceptions to the rule.

For-Profit Colleges

For-profit colleges are another area deserving of additional scrutiny and greater transparency. Since 1996, women have been between a quarter and a third more likely than men to obtain a Bachelor's degree within four years of having begun at a four-year college or university. This trend is also true for women who begin at public and private, nonprofit colleges and universities – but not at for-profit colleges and universities.²⁰ This is significant because women are two-thirds more likely to enroll in for-profit postsecondary institutions than are men (12% vs. 7%).²¹ By enrolling at higher rates in for-profit postsecondary institutions, women make it more difficult to earn a Bachelor's degree in four years. Data from the Beginning Postsecondary Students survey suggest that low-income students, particularly those from minority groups, have extremely low graduation rates from for-profit institutions. The overall Bachelor of Arts (BA) attainment rate for women at the for-profit, four-year institutions is 12.1 percent. For African-American women, that rate falls to 1.7 percent. Among individuals from families below 150% of poverty, that rate goes to zero.²²

Women tend to enroll in for-profits at higher rates than men, in part because for-profits market through traditionally female channels and they make themselves more accommodating to the needs of women through flexible scheduling and online classes. But all too often, the goal is to get women in the door and not across the stage. The rapid growth of publicly traded for-profits has worked against the interests of women as the growth has come in institutions that are more focused on posting returns for investors than in promoting success among their students.

Baccalaureate degrees

Many of the patterns of occupational segregation that we observe in the labor force start long before young adults get their first job. In postsecondary institutions across the country, women congregate in certain types of majors more so than men. The subjects that they choose in college sometimes reflect performance outcomes in the K-12 system but often do not.

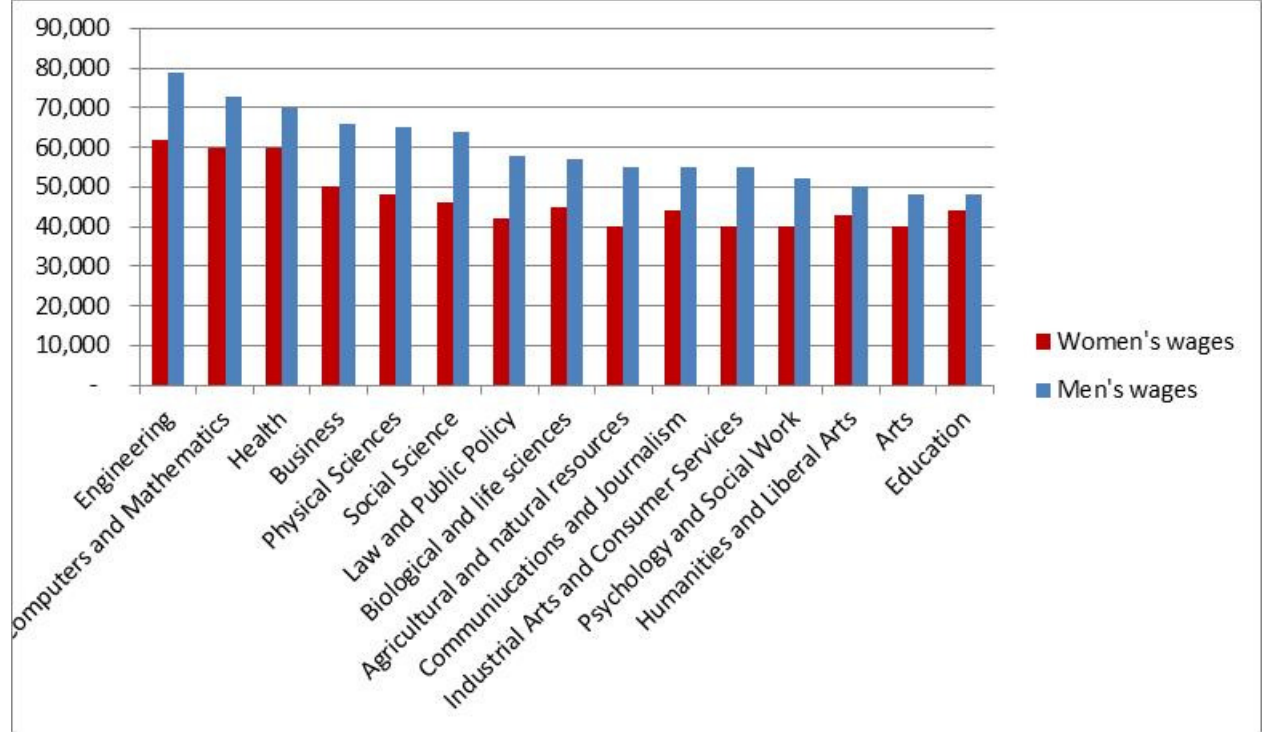
²⁰ Table 376, *Digest of Education Statistics, 2012*, National Center for Education Statistics, 2012.
http://nces.ed.gov/programs/digest/d12/tables/dt12_376.asp

²¹ *National Postsecondary Student Aid Survey*, National Center for Education Statistics, Computation by NCES PowerStats Version 1.0 on 7/12/2013, NPSAS institution type by Gender and Race/ethnicity (with multiple) and Gender.

²² U.S. Department of Education, National Center for Education Statistics, 2003-2004 Beginning Postsecondary Students Longitudinal Study, Second Follow-Up

For various reasons, women tend to choose majors that systematically pay lower wages in the marketplace. Below we provide examples showing the average earning power of Bachelor's degrees by subject area, and for vocational certificates – information that could easily be made available to students *before* they embark on a course of study, and now the subject of federal legislation described below.

Figure 8. By baccalaureate major, women earn less than men even in entry level positions. Some majors are still worth more than others from the start. Entry-level Bachelor's degrees earnings by major and sex



Source: American Community Survey, 2010-2012 pooled data.

Gender disparities are also reflected in salary ranges. And here, there are two key issues. One is that women are paid less than men even when they have the same degree and work in the same field. The other is that women choose and dominate low-paying fields. In the fields shown in the chart, among Bachelor's degree holders, the entry level salary range for women is \$40,000 to \$62,000; for men, it's \$48,000 to \$79,000. The highest median earnings are found among engineering majors, where there are relatively few women, while the lowest are in the education, psychology and social work groups, where women outnumber men. Women make up 97 percent of all early childhood education majors, followed by medical assisting services (96 percent) and communication disorders sciences and services (94 percent). Men, on the other hand, concentrate in majors like naval architecture and marine engineering (97 percent) and in mechanical engineering and related technologies (94 percent). And even though many occupations

in the female-dominated social sciences and humanities require a graduate-level education, wages earned by those graduate degree-holders still never quite reach the wage levels of graduate degree holders in the higher paying, male-dominated majors.

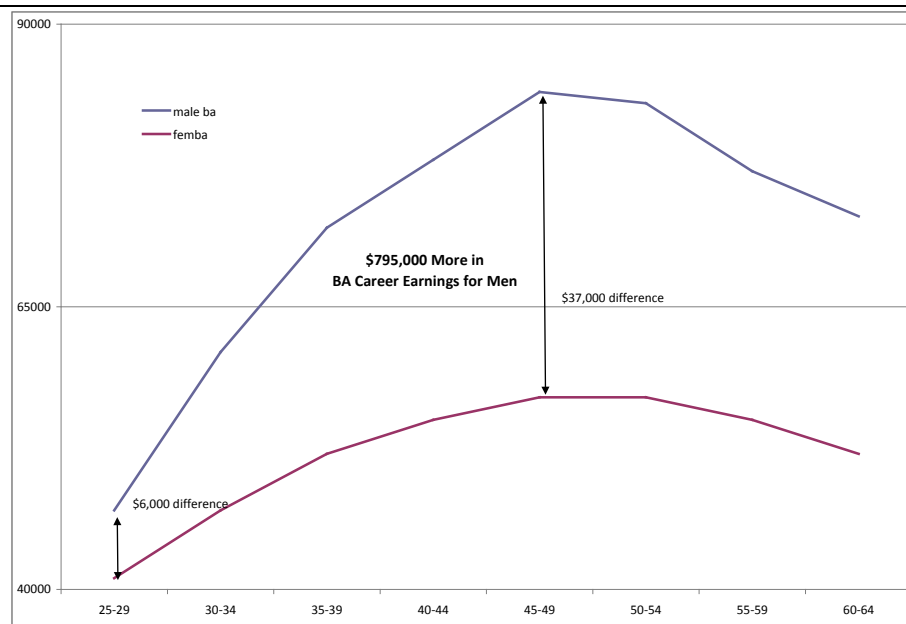
There is substantial literature which indicates that traditional ideas about women's roles in society begin to exert an effect on girls as early as middle school, and that early on in the career decision-making process these traditional ideas seem to exert a greater influence on girls than do starting salary figures. The influences are communicated in subtle and varied ways, starting with the common expectation that little girls should play with dolls instead of building blocks. Later, these grow to include such factors as classroom climate, sex stereotypes, gender bias and discrimination, the male-dominated culture of science and engineering departments in postsecondary institutions, and the lack of female role models in male-dominated occupations. However they are determined, these interests and values become key determinants in the occupational choices that women make—and these have major economic consequences. **By the time Bachelor's degree-holders are in their peak earning years of 45 to 49, women are earning \$37,000 a year less than men on average. By retirement age, this can result in a wage differential of as much as \$795,000—or in real dollars, almost \$1 million.**²³

²³ Georgetown University Center on Education and the Workforce Analysis of American Community Survey data.

Graduate degrees

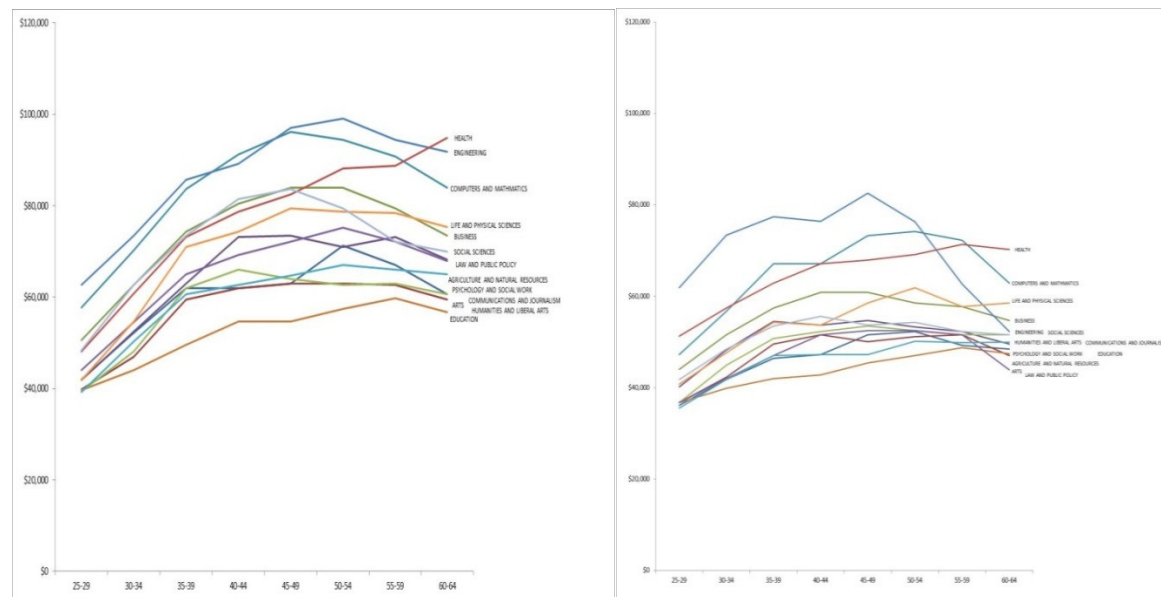
The story is similar when we look at gender differences in wages earned by Master's degree-holders. The wage differentials between men and women starts at \$9,000 and peak at \$33,000 by the time workers are in their early 50s, though the peak differential is marginally lower than it is for Bachelor's degree holders. Over a lifetime, men with Master's degrees earn just over \$1 million more than do women with Master's degrees—and overall, women with graduate degrees still earn \$260,000 less than men with Bachelor's degrees.

Figure 9: The gender wage gap peaks at about age 50



Source: American Community Survey, 2009-2011 pooled data.

Figure 10. The fields of study chosen in college have long-term wage consequences, especially for women



Source: Pooled American Community Survey (ACS) 2010-2012

Women in the STEM fields, as well as those in healthcare and business, have managed to earn relatively higher wages than all women combined.

Though Education Matters, Interest and Values Also Matter in Career Determination

With no adjustment for education level, occupational choice, job tenure, industry choice, union status, and “unexplained factors,” the gender wage gap is 77 cents on the dollar. One unexplained factor that may contribute to the wage gap is related to the interests and values of people who are successful in a particular occupation. When faced with the same choice set, women tend to select outcomes that might be more reflective of their noncognitive and personality traits than wages or prestige. For this reason, this section explores the extent to which differences in interests and values influence occupational choice.

Using American Community Survey data, we assigned occupations to two distinct categories based on the sex of the workers in the occupations. The so-called “female” occupations are defined by a cluster of distinct characteristics—a generalization we can make based on an analysis of a detailed

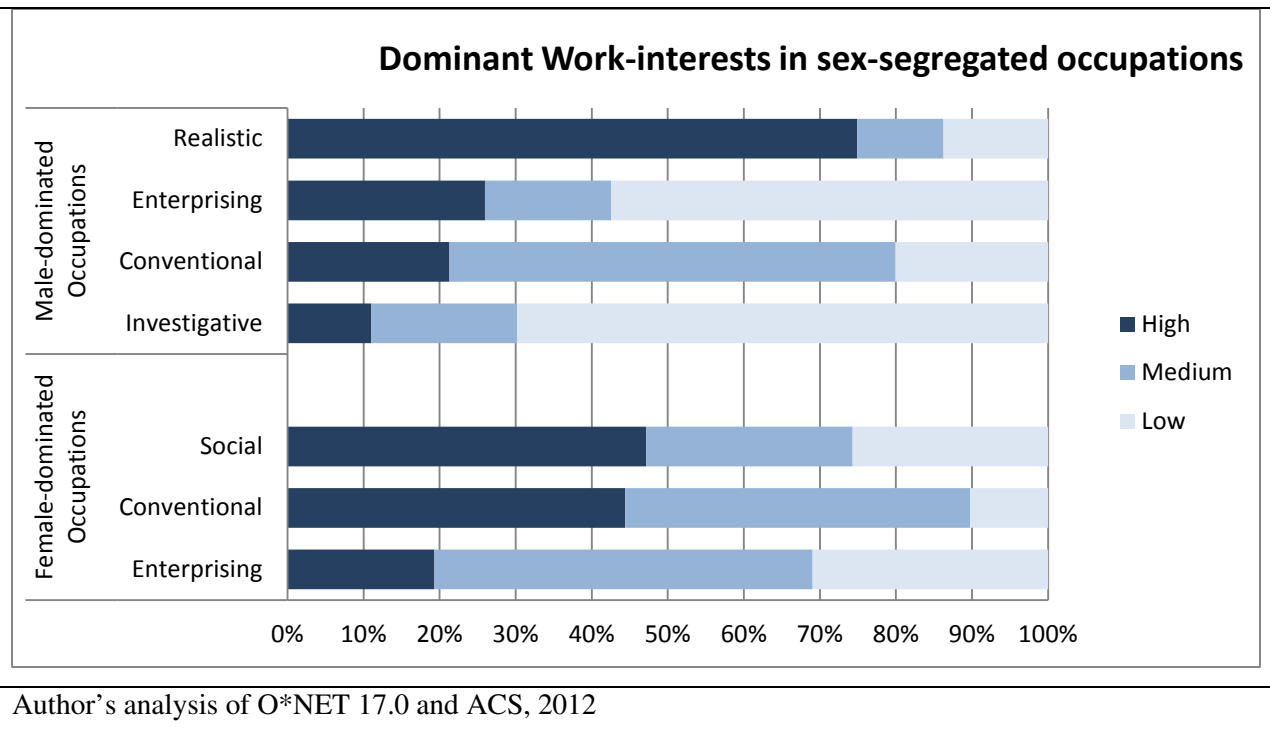
database called O*NET (Occupational Information Network). O*NET data have limitations. They describe the characteristics of occupations, not workers themselves, **and they do not show us which competencies are more important than others**. Even so, O*NET offers the most comprehensive and rigorous description by workers themselves of some 1,100 occupations, broken down by cognitive measures, such as knowledge, skills, and abilities, as well as by non-cognitive measures, such as interest, values, work context, and personality traits. Values include such intangibles as recognition, achievement, autonomy, advancement, and social service. Interests generally fall into one of six categories: realistic, investigative, artistic, social, enterprising, and conventional.

Disparities in pay are only symptoms of more deep-seated biases and social pressures that affect why women gravitate to certain occupations, courses of study, and majors. These, in turn, have a powerful effect on women's economic bargaining power and lifelong earning potential. Even when women select competitive majors, they choose occupations related to those majors that offer relatively lower pay, and they are less likely to change occupations once those choices have been made. A woman who earns a mathematics degree, for example, may go to work as a high school math teacher, while a man with the same degree might pursue a more lucrative career in aerospace.

Since job performance and job satisfaction are so dependent on the extent to which the job matches an individual's interests and values, non-cognitive measures are just as important as cognitive measures in determining a worker's choice of occupation and success in any given field. For example, someone interested in working with others might find being a desk-bound mathematician unsatisfying, even if he or she is highly skilled at math; a skilled teacher who highly values her personal autonomy might chafe working under a principal who micromanages her lesson plans. While there is some overlap, distinctly different sets of values and interests emerge when we look at female-dominated jobs such as nurses, healthcare workers, teachers, and food service workers versus traditional male-dominated jobs such as assembly line workers, engineers and scientists, surgeons and lawyers.

In male-dominated occupations, work values linked to job satisfaction are *achievement*, *independence*, *working conditions*, and *support*; in female-dominated occupations, the most important work values for job satisfaction are *relationships*, *achievement* and, to a lesser degree, *independence*. Achievement and independence are hallmarks of jobs that allow a worker to use the best of his or her abilities and to stand out from the crowd; not surprisingly, these are values common to both male- and female-dominated occupations. The big difference is *relationships*, a value accorded high importance by workers in 75 percent of all female-dominated occupations.

Figure 11: Interests and values differ for men and women. These concerns can trump other types of competencies in the decision to enter a particular career path.



Realistic, enterprising, conventional, and investigative work interests are most highly associated with success in male-dominated occupations, which tend to involve hands-on problem solving and factual research; in female-dominated occupations, the traditional work interests linked to jobs are *social, enterprising, and conventional*. These interests usually describe jobs involving communicating with and teaching people, often in professions that provide service to others.

It is immediately apparent that male-dominated fields tend to pay higher wages, even for those with relatively lower levels of educational attainment, such as production workers. Indeed, 30 percent of high school-educated males in production occupations can earn upwards of \$35,000 per year; in comparison, only 5 percent of similarly qualified women earn that much.

Barriers to Success:

Lack of Information

A key barrier to college enrollment and success is still the lack of information to help women make informed decisions about their educations. What kind of financial aid is available and how does a student apply –and avoid excessive debt? Which majors and courses of study lead to incomes adequate to avoid life on the brink? What support is available to students who are the first in their families to attend college?

These questions point to the need for a public service that is not currently provided: a federal government site that clearly shows students everything they need to know about different schools to make an informed choice. In May 2013, U.S. Senators Ron Wyden (D-OR), and Marco Rubio (R-FL), Mark Warner (D-VA), and U.S. Representatives Duncan Hunter (R-CA) and Robert Andrews (D-NJ) introduced bipartisan legislation that aims to provide students and families with the information to make more informed decisions about higher education. Specifically, it would streamline existing institutional reporting requirements to enable students, families, institutions, and policymakers to assess schools and programs based on a wide range of data, including graduation rates for non-traditional students, transfer rates, percentage of graduates who pursue higher levels of education, student debt, and post-graduation earnings and employment outcomes.

Also lacking is easily available and digestible information to show the economic outcomes of various courses of study. In particular, there's little information upfront about certificates and for-profit colleges, avenues that may seem to be good options but in reality do not always provide economic security for low-income and minority students, who comprise their fastest growing proportion of customers.

Diversion of Talent

Even when women select more lucrative majors and certificates in college, occupational choices in the labor market still largely reflect social norms. Understandably, not everyone with a competency in the sciences ought to pursue that area of study, but if there is systematic diversion of female talent away from these outcomes, there is cause for concern.

Our research shows that the second fastest-growing occupational cluster--STEM jobs--shows a paucity of participation by women at all levels of education due to diversion at the high school level, the college level and finally in the workforce. Long-established roles channel STEM-capable young women at the high school level away from STEM degrees and into the liberal arts or care-providing training. The trend continues at the college level as women choose to pursue fields of study that lead to professions very distinct from those of men, reinforcing the channeling into the liberal arts or care-providing occupations that began in high school.

This diversion of female STEM talent is highly correlated with interest in STEM study, which is correlated with cultural and traditional workforce roles that women have adopted in the past. Today, although women receive 52 percent of high school diplomas, 62 percent of Associate's degrees, 57 percent of Bachelor's degrees and 52 percent of PhDs and professional degrees, their degrees are concentrated in liberal arts training or care-providing professions. As a result, the earning power of women as a group tends to be lower than that of males with the same education level, largely due to occupational and industry choices for other than STEM fields.

Women make up 81 percent of the 1.5 million low-income single parents who are students.²⁴ For many young women, the intense responsibility of being student, breadwinner, and caregiver is enough to drive them to quit their course of study. According to the U.S. Department of Education, more student parents (49.7 percent) are likely to leave school after six years without a degree than are non-parents (31.1 percent).²⁵ The lack of accessible, affordable child care looms as a primary barrier to their postsecondary education. According to one study, only 5 percent of the child care needed by student parents is provided at on-campus child care centers, pointing to an enormous gap in the support system for women attempting to further their education.²⁶

For other women, extensive family obligations and a lack experience with the college environment are factors that keep them from completing their degrees. Though the family structure has changed since the 1963 report (51% of young women over the age of 15 today are married compared to 75% in 1963), the burden of single parenting today still rests heavily on women.²⁷ Unmarried women account for over 40 percent of all births today, compared to 5 percent of all births in 1960.²⁸

²⁴ Improving Child Care Access to Promote Postsecondary Success among low-income parents, p. 8.

²⁵ Improving Child Care Access to Promote Postsecondary Success among low-income parents, p. 13, citing U.S. Dept. of Health and Human Services 2009).

²⁶ Institute for Women's Policy Research, *Improving Child Care Access to Promote Postsecondary Success Among Low-Income Parents*, 2011

²⁷ Pew Research Center, 2010

²⁸ Ibid.

For single parents attending college, financial realities weigh heavily. Though fewer women were pursuing college majors in 1960 (46% of enrollment), the burden of college tuition debt was very different from today. In real inflation-adjusted terms, the cost of attending a public four-year institution has risen from \$6,194 in 1960 to \$16,253 in 2012. Since the 1980s, college tuitions have risen, on average, at three times the rate of growth of household incomes. For a student with no other option than to pay her or his own way using loans, this debt can be daunting. Two-thirds of college seniors who graduated in 2011 had student loan debt; the average for all borrowers was \$23,300.²⁹ The total student loan balance now stands at about \$1.1 trillion, surpassing total credit card balance and total auto loan balance. This number is only expected to grow as college enrollments increase and tuition costs continue to rise. And unlike the 1960s, there is no longer a bankruptcy “way out” for especially onerous student loan debt. In the 1960s, when student loans were first introduced, one could legally discharge the loan through bankruptcy after five years. Since 2005, however, bankruptcy laws have been rewritten specifically to prevent the write-off of government issued student loans due to “undue hardship.” For many, student loans can now follow them into their retirement years.

Policy Prescription: Connecting Wage Records to Curricula

Though it is unclear what effect it will have on students’ labor market decisions, colleges should provide greater transparency regarding the money value of college courses, programs, and majors. The value, expected payoff, and long-term costs of specific college majors and programs of study should be available to every potential and current college student.

The basic elements of a college and career information system already exist—both at the federal level (including the U.S. Department of Education’s College Navigator system and the U.S. Bureau of Labor Statistics’ Occupational Outlook Handbook) and at the state level. (State Longitudinal Data Systems, or SLDS, provide access to longitudinal databases and wage record data that already link education programs to workforce outcomes on a student- by-student basis.) Coordinating this data would make it possible to show the earning capacity of former students, linked all the way down to specific college courses. Better access to such information would allow everyone involved to analyze better the cost-benefit ratio of particular degrees and programs of study.

But there are three main problems in getting this data from the nation’s statistical warehouses to the kitchen tables where college and career choices are made: logistical issues, lack of money, and lack of

²⁹ <http://libertystreeteconomics.newyorkfed.org/2012/03/grading-student-loans.html>

political will. Most states have made the effort to connect education and training programs with labor markets in their internal data systems, but have not developed usable formats for students, policy makers, or postsecondary administrators. Senators Ron Wyden (D-Ore.) and Marco Rubio (R-Fla.) have introduced the Student Right to Know Before You Go Act, which would take the next step in developing these state systems in usable formats. Similar bipartisan legislation, H.R. 4282, has been introduced in the House of Representatives.

There has been some action by the federal executive branch to address this issue, too. As part of the federal stimulus package introduced by the Obama administration, \$500 million was allotted to states to help in creating and improving access to these databases. But when the federal money ran out, there were no state funds available to continue data collection.

The biggest hurdle, however, is political. Private colleges and universities and, to a lesser extent, public ones fear that this kind of information would put an artificial value on a college education, especially in the liberal arts, and that institutional reputations would be reduced to a ranking system based on the employment rate of their graduates and the size of those graduates' paychecks. Pressure from the higher education establishment is the primary reason that even though 22 states have collected this data, the public has so far not been allowed to see it. More than two years ago, the U. S. Department of Education issued regulations aimed at forcing for-profit trade schools to reveal statistics on how many of their graduates were employed and how much they were earning. Those regulations were promptly challenged in court and the disclosure requirements of the rule were upheld. However, the court also significantly limited the Department's ability to collect data on former students who did not receive federal student loans. As a result, the efficacy of the more limited data, based solely on federal loan borrowers, has not been assessed and could prove misleading to prospective students who do not rely on student aid.

But young people making their first major investment decision, especially those who will have to depend on student loans, should not be choosing their postsecondary program in a vacuum. They need to understand the risks and rewards associated with their choice of colleges and fields of study, especially as the cost of particular certificates and degrees rises and labor market needs shift. Aligning education more closely with careers is also the best way to encourage student success. People who are given some navigational tools are more likely to get where they want to go.

Ultimately, if we are to tackle the gender wage inequalities that exist today, we will need policies that address the biases and social pressures brought to bear on young women choosing their courses of

study and occupations. This will likely require, among other things, substantial changes to the factors, such as classroom culture and sex stereotypes, discussed above.

Conclusion

Women have done exceptionally well in the past 50 years if we look only through the lenses of educational attainment. At every level of postsecondary educational attainment, women dominate, and they are a clear majority on most college campuses. Yet, despite these bold and admirable achievements, one in seven women still lives in poverty in this country. The gender wage gap has declined by a mere 17 cents in the last 53 years, and the United States remains one of the least upwardly mobile societies in the developed world.

With so much emphasis on the “Mancession” and the decline in opportunities for workers in construction and manufacturing, the issue of women’s low and unequal wages has slipped under radar, except for the recent focus on raising the minimum wage. The Great Recession brought with it structural change that resulted in the permanent loss of high-paying jobs in sectors that were dominated by men and growth in jobs, many of them low-paying, in sectors dominated by women. The underlying story, though, is not one about the sex of the workers gaining and losing jobs, but about their education level. Less-educated individuals lost more in the recession and continue to lose jobs in the recovery. Women workers often are attractive to employers, not only because they tend to be more educated, but because employers are able to hire them at lower wages than those paid to men with the same level of education.

Not only are women paid less in occupations across the board, women tend to be concentrated in low-paying occupations, thus cementing their fate as relatively lower earners. Part of the reason for this has to do with societal norms that:

- Attract women into liberal arts majors and relatively low-paying certificate fields.
- Divert women into care-giving and nurturing occupations irrespective of the major pursued in college.

Interests and values are powerful non-cognitive competencies that result in occupational segregation to women’s economic disadvantage. What this means on a practical level is that we need to attract more female talent to STEM and other higher-paying fields at the high school and college level and to promote greater equity in wages between the sexes, thereby decreasing the gender wage gap that is associated with this disparity among disciplines and occupational choices.

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CHANGING FAMILIES, CHANGING WORK

A Paper for the

Commemoration of the 50th Anniversary of President Kennedy's
Commission on the Status of Women Report *American Women*

Prepared by

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February 5, 2014

This paper was prepared with funding from the U.S. Department of Labor. The views expressed are those of the authors and should not be attributed to the Federal Government or the Department of Labor.

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INTRODUCTION

In September 1963, *Leave It To Beaver* aired for the last time.¹ Yet, the archetype of family life that this show idealized—the employed father and stay-at-home mother within the nuclear family—was so engrained in the collective unconscious that *American Women: The Report of the President's Commission on the Status of Women* (hereafter *American Women*), delivered to President Kennedy in 1963, made almost no mention of it. It was just assumed that this was *normal*. Fifty years later perhaps the most profound change in American society is the change in family structures. In 1963, roughly two thirds of U.S. households were like the Cleavers in *Leave It to Beaver*.² Today, married couples with children represent only about 20% of U.S. households. The other 80% of households reflect a myriad of families—from single parents to same sex couples to dual-income couples, some of whom are married and some of whom are not.³ This paper focuses on the changes on the home front and how they have interacted with changes on the work front to create a new set of challenges and opportunities for ensuring that women and men can reach their full potential.

American Women's analysis of the home front, contained in the section “Home and Community,” begins with a brief history of the migration of families from the farm to cities and then suburbs and concludes that the most important issue facing American women was the erosion of a natural support system for child care. As a result, the section makes recommendations regarding how to replace this support through such programs as community-based services for housework as well as maternal and child health services. There is no discussion of men's role at home, nor of how the movement of women into the workforce, which the report contemplates, would affect women's role at home. In effect, *American Women* treats the home front as static, even as it calls for everything around it to change.

Today, we know that the home front is anything but static. It is in a constant state of adaptation to external and internal forces. While documenting all these forces is beyond the scope of this paper, several trends are important to understanding how the changing nature of family life is changing the workplace and vice versa. Perhaps one of the most powerful forces is technology, which has made it possible to work anywhere and anytime. This has both liberated people from their workplaces and tethered them to their mobile device of choice. Individuals and organizations are struggling to create the *new normal* around setting boundaries between work and life. Technology has also created a knowledge economy that favors those with a college education or higher, who are disproportionately women. Not only are women a higher

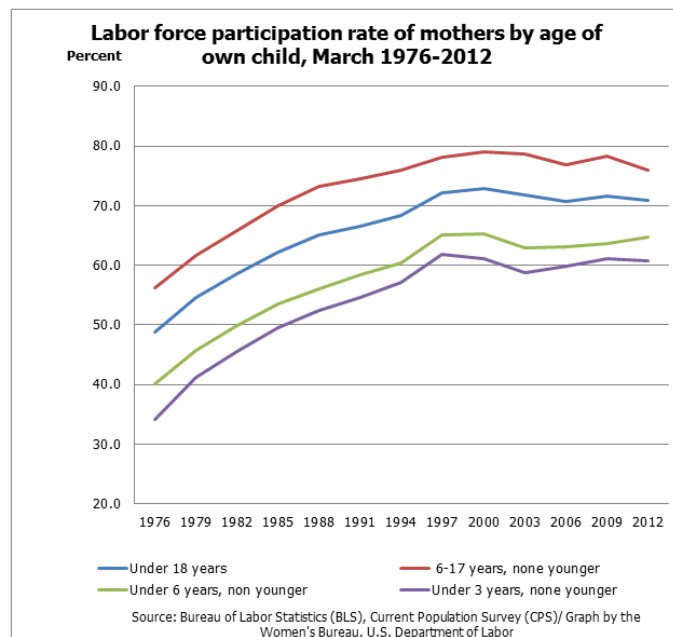
percentage of the educated workforce than ever before, but wage stagnation and rising costs also mean that women's employment is essential to their own and their family's economic security. In fact, most families with children have all adults working outside the home. The concept of work-family conflict—popularized by Harvard Business School's Rosabeth Moss Kanter in 1977⁴ and discussed exclusively with regard to employed mothers—today applies as much to employed fathers as mothers. In other words, a report on American women cannot be complete without discussing the state of American men. Ultimately, all these changes point to one conclusion: we need a new archetype of the 21st century provider that is not anchored in gender and a new archetype of the ideal employee that reflects the multiple roles that employees play in all spheres of their lives.

THE DUAL-CENTRIC PROVIDER: CHANGING ROLES AT HOME

Women's Changing Role

The story of the changing nature of the home front begins with the rise in the labor force participation rate of mothers, which increased steadily as women started moving into the workplace in the 1970s, although mothers' labor force participation rates have leveled off since 2000. (See Figure 1.)

Figure 1: The labor force participation rate of mothers (1976-2012)



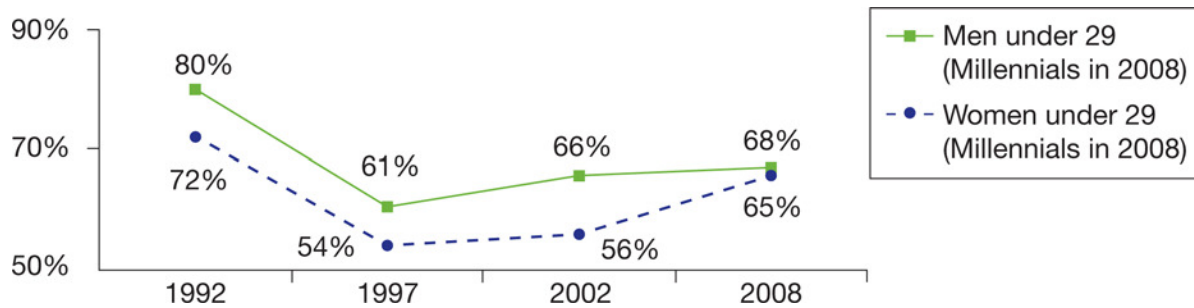
Not only are most mothers employed, but they are also an increasing source of financial support to their families. According to Families and Work Institute's (FWI) nationally representative 2008 National Study of the Changing Workforce, employed women in dual-earner couples contributed an average of 45% of family income, up from 39% in 1997.⁵ Slightly over a quarter of these women (27%) had annual earnings at least 10 percentage points higher than their spouses/partners compared with 15% in 1997. Looking at it from another angle, more and more households are financially supported by the women in them. Today, 50 years after *American Women* was released and *Leave It to Beaver* ended, "a record 40% of all households with children under the age of 18 include mothers who are either the sole or primary source of income for the family," according to a Pew Research Center study.⁶ Of these breadwinner mothers, 68% (over two out of three) are single mothers. Clearly, the role of women in the family has changed.

While the implications of various factors, such as child care availability, on a single mother's workforce participation, are outside the scope of this paper, we do want to highlight that single mothers as a category is itself comprised of sub-groups. According to the Pew study, "compared with single mothers who are divorced, widowed or separated, never married mothers are significantly younger, disproportionately non-white, and have lower education and income. Close to half of never married mothers in 2011 (46%) are ages 30 and younger, six-in-ten are either black (40%) or Hispanic (24%), and nearly half (49%) have a high school education or less. Their median family income was \$17,400 in 2011, the lowest among all families with children."⁷ These mothers are the most likely to both need to work and to need high quality child care and are also the least likely to have access to either.

Despite these changes, old assumptions die hard. Many believe that mothers would not work if they didn't "have to" provide financially for their families. Americans in general do not see providing for their families financially as an important part of being a mother. In fact, according to the Pew study, only 25% of Americans say it is extremely important for mothers to provide income for their children, although there is a significant difference between Whites and Blacks on this topic, with 49% of Blacks saying it is extremely important, while only 21% of Whites say so.⁸

Our data indicate that, on the contrary, the distinction between "having to work" and "wanting to work" has eroded, at least in the minds of young women. To begin with, the gap between men's and women's desire for jobs with greater responsibility closed in 2008.⁹

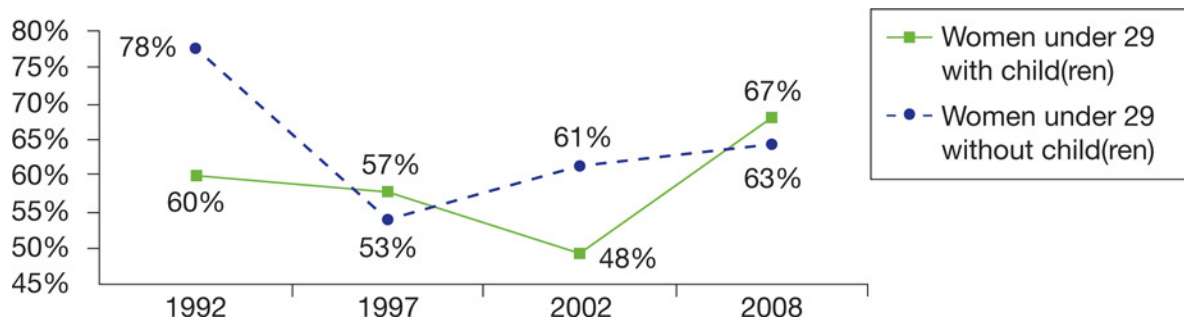
Figure 2: Young men's and young women's desire to have jobs with greater responsibility (1992-2008)



SOURCE: Times Are Changing: Gender and Generation at Work and at Home (Families and Work Institute 2011)

This is true whether or not these women have children.

Figure 3: Desire to have jobs with greater responsibility among young women, with and without children (1992-2008)



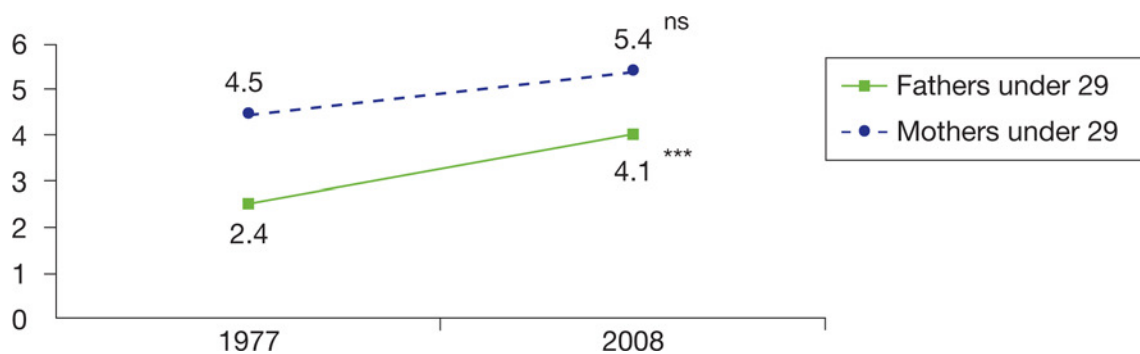
SOURCE: Times Are Changing: Gender and Generation at Work and at Home (Families and Work Institute 2011)

Yet, for these mothers, the commitment to being significantly involved in their children's lives has not faded. If anything, it is stronger than ever. Mothers are spending five hours per day on average with their children, up by half an hour from 1977.¹⁰ Unlike in 1963, when *American Women* was released, we can now safely say that today most women expect to provide or are providing both emotionally and financially for their families—whether they are in traditional married couples with children or they are single and living alone or anything else in between. We call this mindset—where both work and family are prioritized in roughly equivalent ways—the dual-centric provider.

Men's Changing Role

The sea change in the role of women on the home front is only half the picture. The other half has to do with the role of men, in general, and fathers, in particular. In dual-income households with children under the age of 18, fathers have increased the average amount of time they are spending on caring for and doing things with their children from two hours per day in 1977 to 3.1 hours per day in 2008. This increase is particularly striking among young fathers, who have increased the time they spend with their children since 1977 by 71% (1.7 hours).¹¹

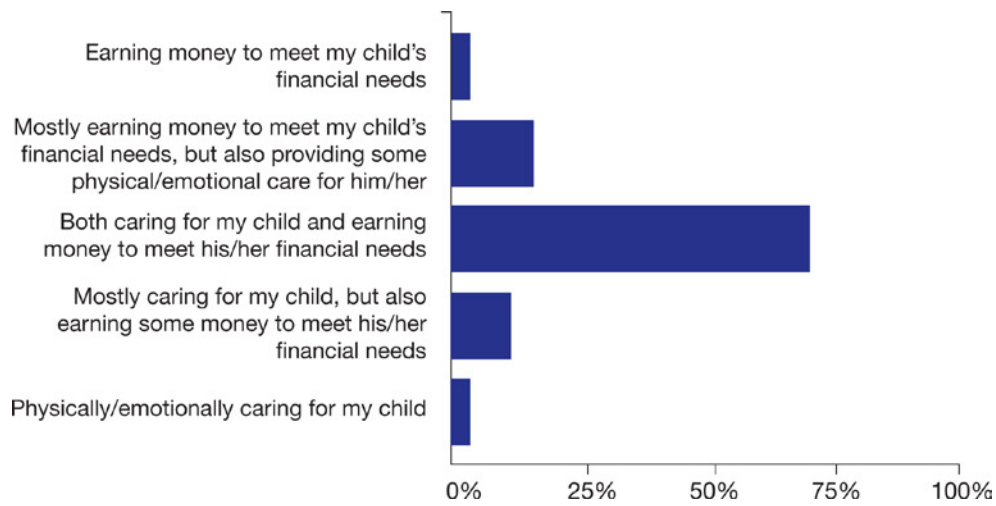
Figure 4: Young mothers' and fathers' time with children (1977-2008)



SOURCE: Times Are Changing: Gender and Generation at Work and at Home (Families and Work Institute 2011)

A study of 2,000 fathers in professional and managerial positions shows that almost three out of four define being a father as providing both financially and emotionally for their families.¹²

Figure 5: How fathers see their responsibility to their children (2011)

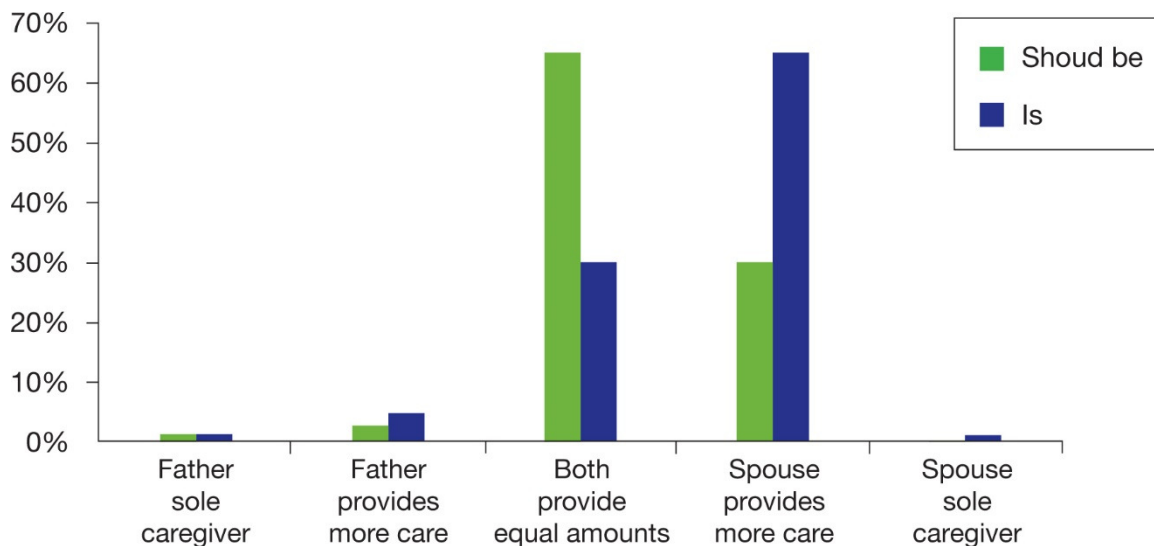


SOURCE: The New Dad: A Work (and Life) in Progress (Boston College 2013)

Men are also taking more responsibility for running the household—from cooking to cleaning—although women were still doing the majority of that work in most households in 2008.¹³

While an increasing number of fathers hold as their ideal providing both financially and emotionally, they are struggling to make this ideal a reality. In this same study of professional and managerial fathers, fathers admit that, while they would like to provide an equal amount of child care, the fact is that their spouses (i.e., the mothers) actually perform most of this care.

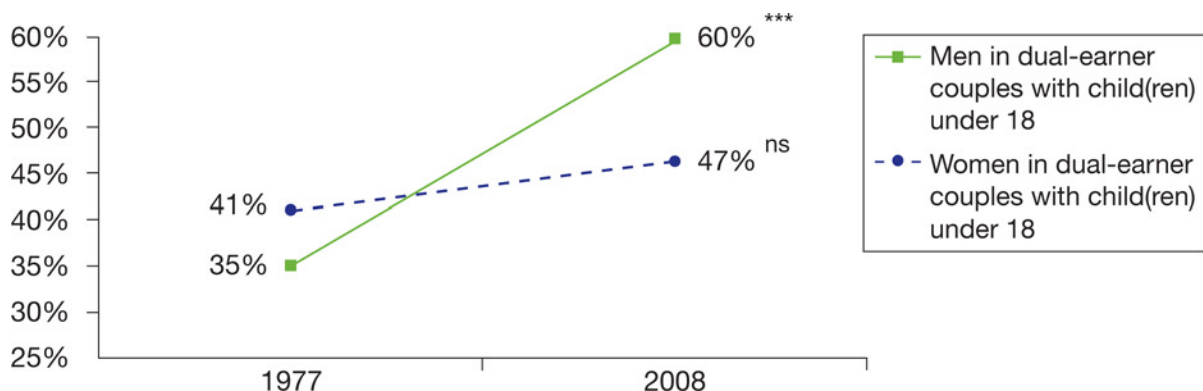
Figure 6: How caregiving should be divided and is divided (2011)



SOURCE: The New Dad: A Work (and Life) in Progress (Boston College 2013)

Is it any wonder then that fathers are reporting work-life conflict in greater numbers than mothers?¹⁴

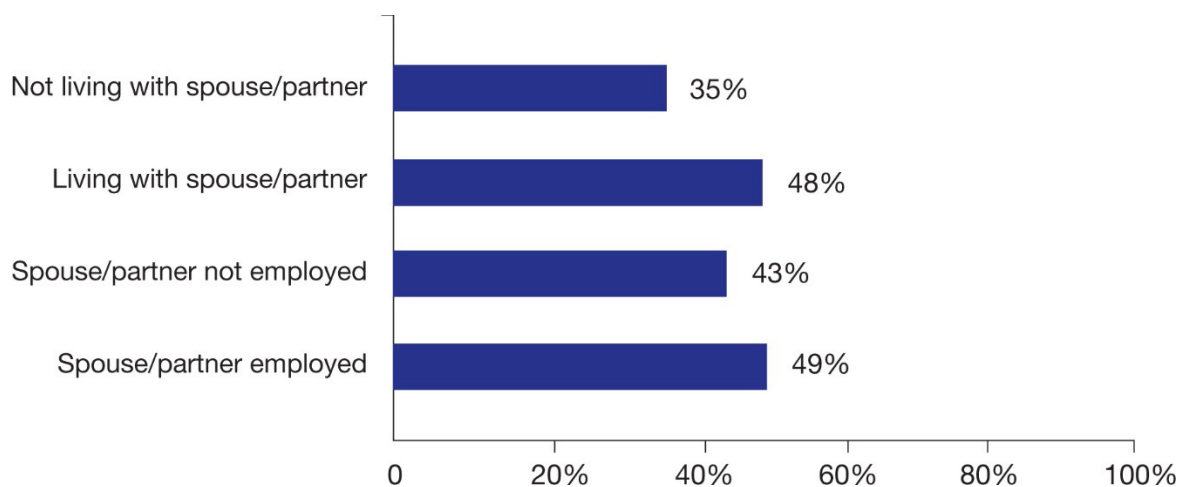
Figure 7: Percentage of fathers and mothers in dual-earner couples reporting work-family conflict (1977-2008)



SOURCE: Times Are Changing: Gender and Generation at Work and at Home (Families and Work Institute 2011)

In the Families and Work Institute report, *The New Male Mystique*,¹⁵ we suggest that the increase in work-family conflict experienced by men is a symptom of the new male mystique—today’s male version of the “feminine mystique” coined by author Betty Friedan in 1963.¹⁶ Friedan used the term to describe how assumptions about women finding fulfillment in traditional domestic roles created tension and conflict for a number of women, preventing them from finding their identities and opportunities for meaningful work. Applying Friedan’s reasoning to men, the “traditional male mystique” would reflect the notion that men should seek fulfillment at work and strive to be successful as financial providers for their families. We use the term “new male mystique” to describe how traditional views about men’s role as breadwinners, in combination with emerging gender role values that inspire men to participate in family life, *and* a workplace that does not fully support these new roles have created pressure for men to, essentially, “do it all in order to have it all.” We have also found that men feel this pressure whether or not their spouse or partner is employed outside the home. This finding suggests that many men in dual-earner couples who support a decision to have their wives stay home to care for the children in the hope of alleviating work-life conflict may not be getting the payoff they were hoping for.¹⁷

Figure 8: Percentage of men reporting some/a lot of work-family conflict by relationship status



SOURCE: The New Male Mystique (Families and Work Institute 2011)

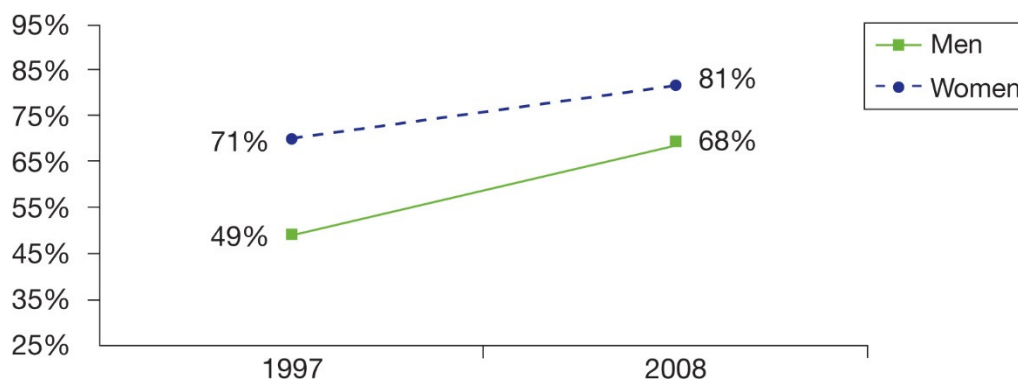
In sum, unlike in 1963, when *American Women* was released, we now know that most men who become fathers want to provide both financially and emotionally for their families, but often struggle with how to reconcile that ideal with outmoded workplace assumptions and expectations. Importantly, we found that fewer men who prioritize both their work and their

family life in roughly equivalent ways experience lower work-life conflict (42%) compared to men who prioritize their work outside the home (62%).¹⁸ In other words, both today's fathers and mothers aspire to the dual-centric provider model and mindset.

The Impact of Changing Roles on Children

While *American Women* did not discuss the mother-child relationship in any detail, ever since mothers started to move into the workforce, a debate has been raging about the effect on children of having working mothers. There are two sides to this debate. One is whether mothers who work outside the home can have as good a relationship with their children as mothers who do not work outside the home. FWI's research shows that men's and women's attitudes about this issue are converging, and that most men and women agree that a mother who works outside the home can have as good a relationship with her children as a mother who does not.¹⁹

Figure 9: Attitudes about employed women's roles as mothers (1977-2008)



SOURCE: Times Are Changing: Gender and Generation at Work and at Home (Families and Work Institute 2011)

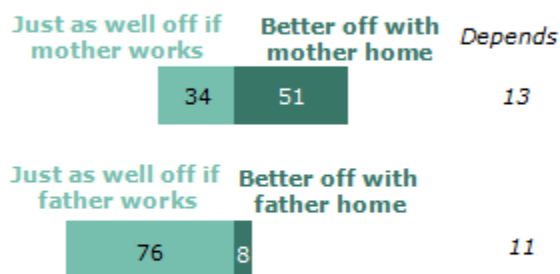
However, when asked the question from the standpoint of children—i.e., whether it is better for *children* to have a mother who works outside the home or not—both men and women are still quite ambivalent.

As the Pew Research Center found in their *Breadwinner Mom* poll, slightly more than half of Americans believe that children would be better off if their mothers stayed home. And, despite the changing aspirations of fathers to be more involved in their children's lives, 92% of Americans don't think children would be better off if fathers stayed home!²⁰

Figure 10: The public differs in role of fathers and mothers

The Public Differs in Role of Fathers and Mothers

% saying children are ...



Note: The questions were asked separately for mothers and fathers. Responses of "Just as well if mother/father works" and "Depends" are not shown.

Source: Pew Research Center survey, conducted April 25-28, 2013, N=1,003.

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Interestingly, the vast majority of this research has asked adults—not the children themselves—how they feel about employed parents. In an effort to address this gap, Ellen Galinsky, president of Families and Work Institute, decided to ask the children, conducting a nationally representative study of children from the third through the twelfth grades. What she found is that children who are being raised by employed mothers—whether in a dual-income household or a single-income household—experience this as *normal*.²¹ In other words, the children don't wish their mothers didn't have jobs.

In the survey, when a girl aged 13 was asked: "What do you want to tell the working parents of America?" she replied, "The father is not the only one who has to work. The mother can work if she wants. She has a right to be independent."

A boy aged 9 echoed this sentiment, saying, "I think that it doesn't matter who works as long as you get the money you need and take care of your family."

Only 2% of the children wrote that they wanted their parents to stay home.

Ask the Children also asked the following "one wish" question: "If you were granted one wish that would change the way that your mother's/your father's work affects your life, what would that wish be?" A nationally representative sample of parents was also asked to guess what their

children would wish. Most parents (56%) guessed that their children would wish for more time with them. Perhaps surprisingly, more time was not at the top of children's wish lists. Only 10% of children made that wish about their mothers, and 15.5% of children made that wish about their fathers. Most children wished that their mothers (34%) and their fathers (27.5%) would be less stressed and tired. By contrast, only 2% of parents guessed that their children would make that wish. A girl aged 18 expressed this well when she said, "Leave your work at work, and put on your parenting suit at home."²²

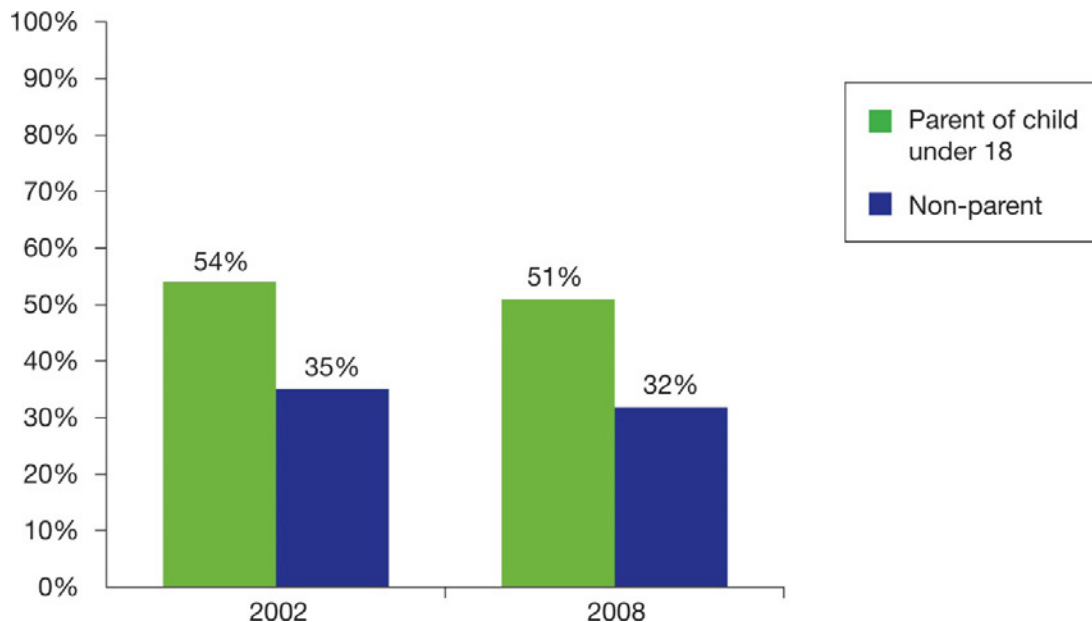
Importantly, the debate over whether it is better for children to have their mothers stay home obscures the fact that the majority of women who are providing financially for their families are single mothers. For them, this debate is irrelevant since they have no choice but to work. However, they are no less committed to being good parents. For them, a main constraint in this quest is the availability and affordability of child care.

The New Dimension of Care: Elder Care

American Women was not only silent regarding how children feel about their parents having jobs outside the home, it was also silent on another dimension of care that will soon eclipse child care in this country: elder care. We learned from the 2008 National Study of the Changing Workforce that, in 2008, about 17% of employees were providing special care for a relative or in-law over age 65 (men and women alike) and that 42% of employees—nearly 54.6 million employees—had provided special care for a relative or in-law over age 65 during the previous five years. Roughly half of employees (49%) expected to provide special care for a relative or in-law over age 65 within the following five years.²³

While men and women are both likely to be family caregivers, women spend more time providing care than men do. On average, women spend 9.1 hours a week providing care (or an average of 6.4 hours providing in-person care and an average 2.7 hours providing indirect care), while men spend an average of 5.7 hours as caregivers (or an average 3.4 hours providing in-person care and an average 2.2 hours providing indirect care). Interestingly, while men don't spend as much time providing elder care, they report higher levels of work-life conflict than women who are providing elder care. However, men and women who are providing both child care and elder care are significantly more likely to report much higher levels of conflict than those providing elder care alone.²⁴²³

Figure 11: Family elder caregivers with and without child care responsibility who experience some/a lot of work-life conflict



SOURCE: The Elder Care Study: Everyday Realities and Wishes for Change (Families and Work Institute 2010)

ARE CHANGING FAMILIES CHANGING WORK?

The changes happening on the home front are not happening in a vacuum. To a great extent, they affect and reflect changes in the workplace, both in the nature of work and in the way work gets done. Again, discussing all of these changes is outside the scope of this paper, but we want to focus on several key aspects of the changing nature of the workplace that have had a very direct impact on families.

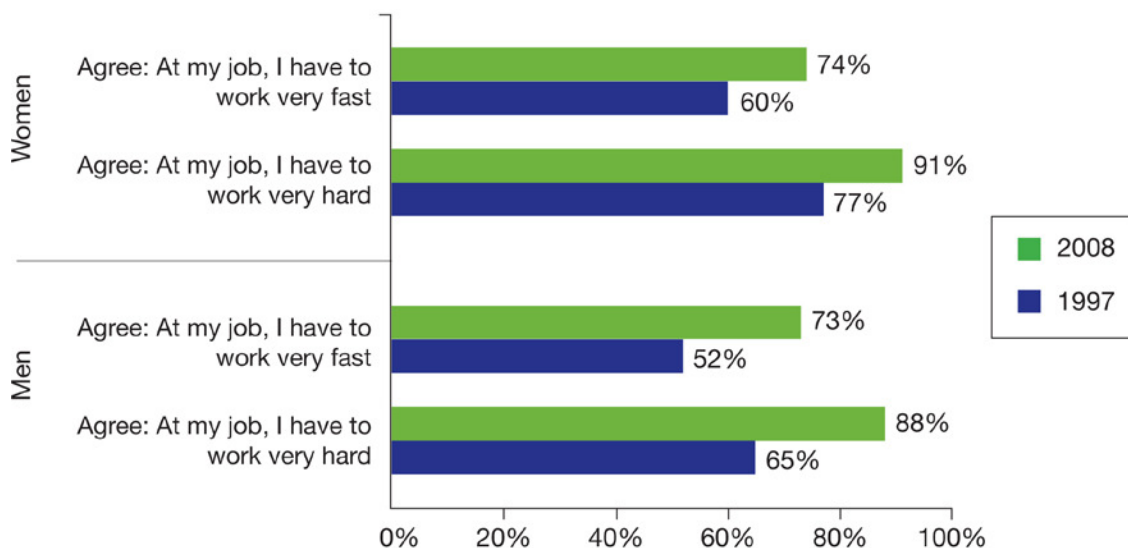
The Changing Nature of Work

For most professional and managerial employees, globalization and technology have created a 24/7 work environment. Many of them work on global teams where calls begin at 6:00 am and go well into the night. The relentless and infinite nature of e-mail—without clear boundaries or clearly articulated expectations regarding responsiveness—creates a work environment where people are constantly being interrupted at work and think they must check e-mail at all hours of the day and night. Add to this the downsizing that has occurred, especially since the

Great Recession beginning in 2007, and the pressure on these white collar employees to “do more with less” and to work more hours is difficult to resist, and data bear this out.

Women worked an average of 39 hours per week in 1977 and 41 hours in 2008 without reducing the number of hours per day they spent on child care. Men worked an average of 47 hours per week in 1977 and 46 hours in 2008 while adding almost two additional hours (1.7) per day of child care. Men and women report having to work longer and faster than ever before.²⁵

Figure 12: Job demands over time



SOURCE: 2008 National Study of the Changing Workforce (Families and Work Institute 2008)

In a study of white collar fathers in four large companies, over half of the fathers said they felt they had to work more than 50 hours per week, and roughly 45% of the fathers said they were expected to work evenings and weekends to be seen as committed.²⁶

The problems are reversed in the low-income workforce: under-employment rather than over-employment. Low-income employees work fewer hours than high-income employees—41% of low-income employees work part time in their main jobs compared with only 9% of high-income employees. In addition, they are less likely to work regular daytime hours (56% versus 81% of high-income employees) and more likely to work on Saturdays and Sundays (38% versus 18% of high-income employees). Not surprisingly, 44% of the low-income workforce would like to work more paid hours. In contrast, only 6% of the high-income workforce wants more paid hours.²⁷

Why don't low-income employees work more hours? Here low-income men and women differ dramatically. In the 2008 National Study of the Changing Workforce, men and women were asked why they work fewer hours than they wish. Low-income men were far more likely than low-income women to say they can't find a job that offers more paid hours (46% versus 22%), while low-income women were more likely than low-income men to say that they can't get the flexibility they need to manage work, personal and family responsibilities (21% versus 1%).²⁸

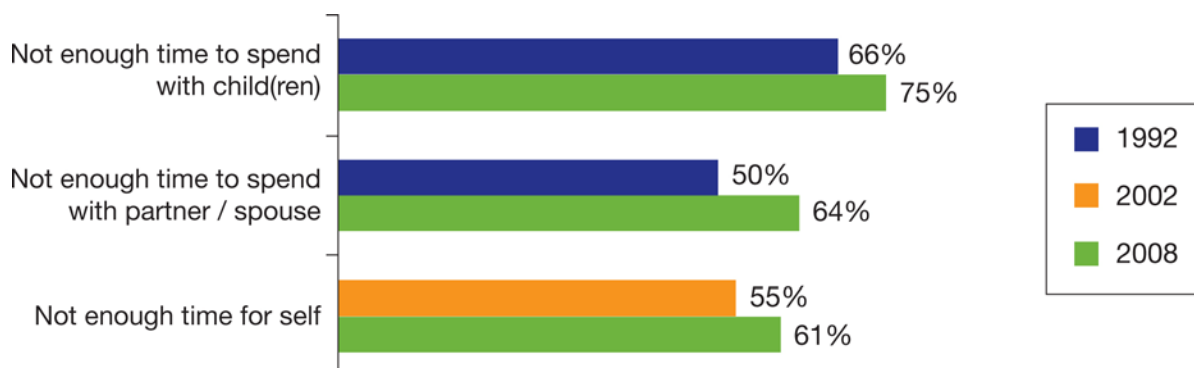
The Response to the Changing Nature of Work

Given the multiple roles that both mothers and fathers play, they are increasingly stressed. In the 2008 National Study of the Changing Workforce, we asked respondents how often in the last month had they felt:

- nervous and stressed;
- unable to control the important things in your life;
- confident about your ability to handle your personal problems;
- things were going your way; and
- difficulties were piling up so high that you could not overcome them.

In 2008, 43% of employees reported experiencing three or more of these indicators of stress that have negative medical outcomes sometimes, often or very often. In addition, employed mothers and fathers were experiencing a "time famine."²⁹

Figure 13: Employed parents report time famine ³⁰



SOURCE: 2008 National Study of the Changing Workforce (Families and Work Institute 2008)

Is it, therefore, any surprise that both men and women say that what they really need is more flexibility at work in order to fit their life into their work and their work into their life?

We have determined, based on years of research, that flexibility is as much a matter of the work environment and culture as it is about policies and procedures. Therefore, we have come to define work-life fit as having the following elements:

My supervisor cares about the effect of work on my personal/family life.

My supervisor is responsive when I have personal/family business.

I have the coworker support I need to successfully manage my work and family life.

I have the schedule flexibility I need to successfully manage my work and family life.

My work schedule/shift meets my needs.

In a poll conducted by the Alliance for Work-Life Progress (AWLP) and the consulting firm WFD asking which types of day-to-day schedule flexibility were the most useful, 38% of both men and women say they need flexible time—in other words, more control over when they come into the office and when they leave—and 28% of men and 30% of women say they also need time off on short notice—to deal with the unexpected, like the phone call from school saying your child broke her arm and has to be picked up immediately.³¹ The good news is that, since 2005, more employers are offering options that allow employees to better manage the daily times and places in which they work. These options include flex time (from 66% to 77%); flex place (from 34% to 63%); choices in managing time (from 78% to 93%); and daily time off when important needs arise (from 77% to 87%).³²

The bad news is that, in that time, employers have reduced their provision of options that involve employees spending significant amounts of time away from full-time work. These include moving from part-time to full-time schedules and back again (from 54% to 41%) and flex career options such as career breaks for personal or family responsibilities (from 73% to 52%). While Families and Work Institute data indicate that a culture of flexibility (where flexibility is supported without stigma or jeopardy) is one of the most important predictors of employee well-being,³³ the sense that employees will be stigmatized has remained unchanged since FWI began collecting data on this issue, with approximately two out of five employees agreeing that employees who use flexibility are less likely to get ahead on the job.³⁴

Sociologist Pamela Stone of Hunter College of the City University of New York conducted a qualitative study of highly educated women professionals who worked less than full-time to understand the dynamic behind this stigma. She found that the issue was negative perceptions of those who use these options that undermine their confidence and, ultimately, their ambition.

They describe their experience in these ways:³⁵

I didn't have the guts to say "I'm working part-time." ... I'd leave at 5 o'clock [typically the end of a full-time workday] and everybody would say, "Oh, Blair's leaving." ... [Working part-time is] something like a cold. It'll pass or you leave.

— an attorney at a large law firm who left the workforce

Part-time status made me lowest. It was just a big psychological deal to cut the cord. Because I never envisioned, as I said, myself not working. But I wasn't getting any satisfaction from working. And I didn't envision myself not working, and I just felt like I would become a nobody if I quit. Well, I was sort of a nobody working, too. So, it was sort of: Which nobody do you want to be?

— a marketing executive who left the workforce

In fact, some women reported starting to feel undervalued as soon as they got pregnant, in part because of the assumption that they either want to or should stay home once they become mothers:

Ironically, when I was pregnant there started to be—and I don't know if it was just coincidental, I'm not sure what it was—but all of a sudden there was sort of this disenchantment with me, that all of a sudden I wasn't traveling as much ... And, clearly, the expectation—I mean, I started to hear through the rumor mill that they weren't counting on me coming back. According to a friend of mine who was very connected, and she said to me, "You know, the management really doesn't want to see you back."

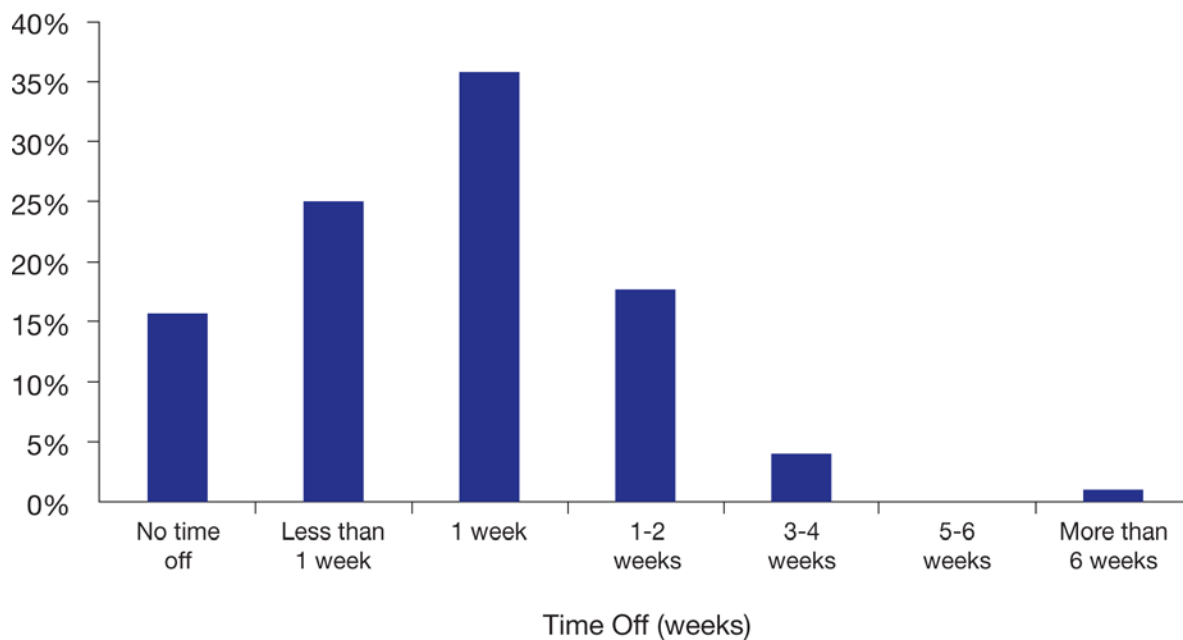
These outmoded assumptions are the basis of what has been called maternal bias. As Professor Stephanie Coontz of The Evergreen State College wrote in *Progress at Work, but Mothers Still Pay the Price*, an op-ed in *The New York Times* on June 9, 2013, "Motherhood ... is now a greater predictor of wage inequality than gender in the United States." Stanford

University professor Shelley Correll has documented that the resumes of mothers received half as many callbacks as the resumes of those who purported to be childless, even though they were identical in every other respect.³⁶

Fathers face what is, in many ways, the opposite assumptions to those women face. In general, the assumption at work is that becoming a father increases men's commitment to work—in part because everyone presumes that the father is going to be the primary breadwinner. Add to this that fathers are even less likely to feel permission to take parental leave or ask for formal flexibility, and the result is greater stigma on those men who do.

Paternity leave is a strong indicator of the perception that men have of how supportive their workplace is to fathers who want to take a significant role at home, and, by this indication, most new fathers feel they have to downplay their status as fathers. For example, despite the fact that close to 75% of white collar fathers want to be significantly involved in their children's lives, they start off taking almost no time off when their children are born, as indicated by Figure 14 below.³⁷ If men who are in professional and managerial positions who can afford to take paternity leave are not doing so, it is reasonable to conclude that men in middle class and blue collar jobs are even less likely to take any time off.

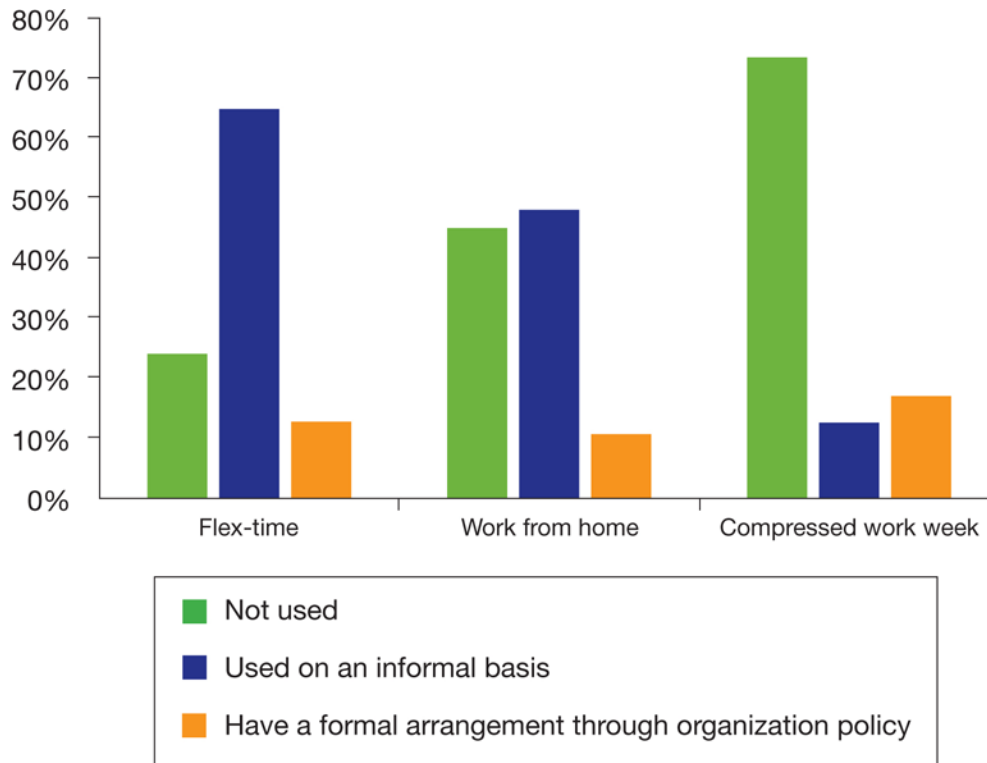
Figure 14: Fathers' time off after most recent birth/adoption (2011)



SOURCE: The New Dad: A Work (and Life) in Progress (Boston College 2013)

Similarly, while mothers and fathers both want greater flexibility, fathers are less likely to use what is offered through formal arrangements, relying instead on informal use of flexibility, as evidenced by the figure below.

Figure 15: Fathers' flexible work arrangement usage (2011)



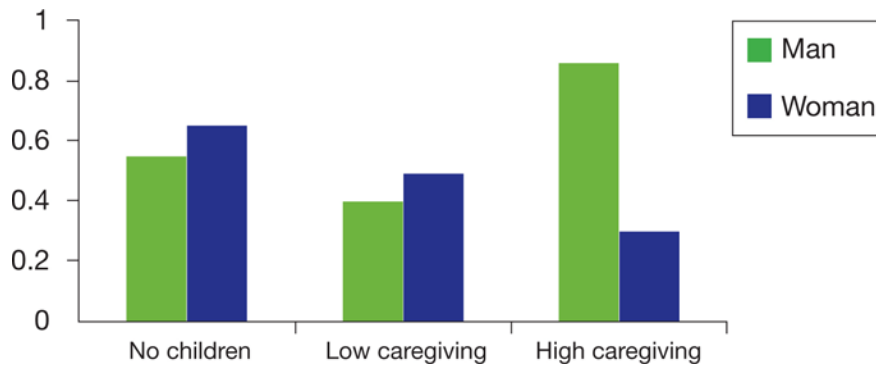
SOURCE: The New Dad: A Work (and Life) in Progress (Boston College 2013)

Part of the reluctance of men to be explicit about their work-life needs is the stigma that they see directed at men who are. Jennifer Berdahl of the University of Toronto has studied the flexibility stigma that men experience and uses the term “not man enough harassment” to describe a work environment where men experienced one or more of the following³⁸ in the past two years:

- 1) Made you feel like you were not tough enough, e.g., assertive, strong or ambitious enough for the job
- 2) Made you feel you needed to act more tough and aggressive to be respected
- 3) Made it necessary for you to sacrifice family or personal time to be respected at work
- 4) Made fun of you for being soft-spoken or shy

In a study of 232 unionized employees across several small- to medium-sized workplaces, she found that men who had significant caregiving responsibilities—what Berdahl terms “high caregiving”—experienced a high level of “not man enough harassment.”³⁹

Figure 16: Not man enough harassment by level of caregiving

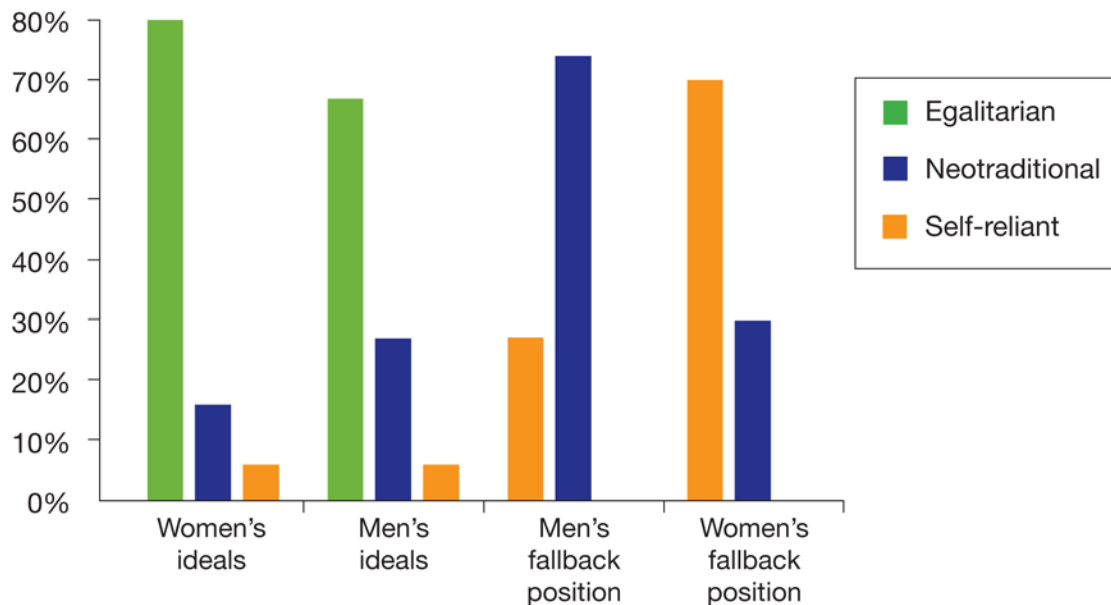


SOURCE: The Flexibility Stigma for Men (Berdahl et al. 2013)

Unfortunately, this and other research attest to an undeniable truth: the changing nature of family life—including the changing aspirations and needs of both mothers and fathers—has not created a culture at work that reflects these emerging values and desires.

The younger generation is rightfully concerned about the fact that workplace culture does not support new family structures and values. In a study of millennials’ aspirations for their lives, Kathleen Gerson of New York University found that the majority of millennial women and men in her study have the same family ideal: an egalitarian relationship at home that allows them to have both significant careers and meaningful, fulfilling roles at home. However, when asked what they would do if they couldn’t make that work, men’s and women’s responses were diametrically opposed, as evidenced in Figure 17 below. The majority of young men said they would resort to a “neotraditional” relationship, where their wife/partner would be primarily responsible for the home front, even if she works. The majority of young women, in contrast, said they would resort to being self-reliant, which, for many, meant not getting married and having a family.⁴⁰

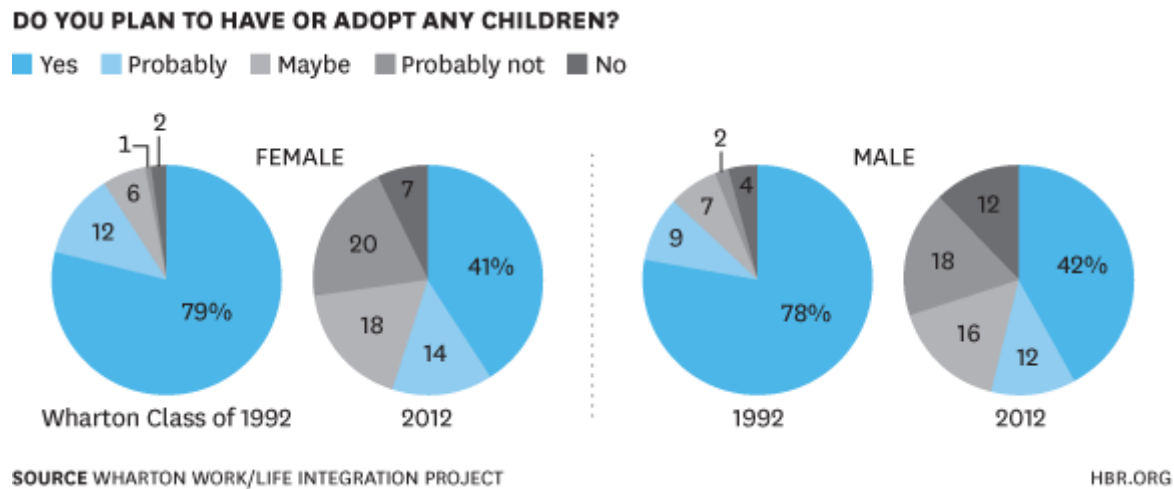
Figure 17: Millennials' ideal family structure and fallback positions



SOURCE: The Unfinished Revolution: How a New Generation Is Reshaping Family, Work and Gender in America (Kathleen Gerson 2010)

Stew Friedman of the University of Pennsylvania's Wharton School has similarly found that young people are struggling to shape a vision for their future based on what they perceive as the reality of work and family life. In his 2012 book *Baby Bust*, Friedman documents that male and female students at Wharton have embraced the changing gender roles at home we describe in the beginning of this paper. They also value the role of—and, in an ideal world, would want to become—parents. However, while 79% of female students and 78% of male students in 1992 said they planned to have children, only 41% and 42%, respectively, say so today. One of the main reasons for this precipitous drop is that the Wharton students today anticipate having to work 72 hours per week, while the students in 1992 anticipated having to work 56 hours per week. Another big driver is the amount of debt students are graduating with today, which, when combined with the cost of raising children, makes the financial ability to do both out of reach, even for this group of elite students.⁴¹

Figure 18: Percent of college students saying in 1992 and 2012 that they plan on having or adopting children ⁴²

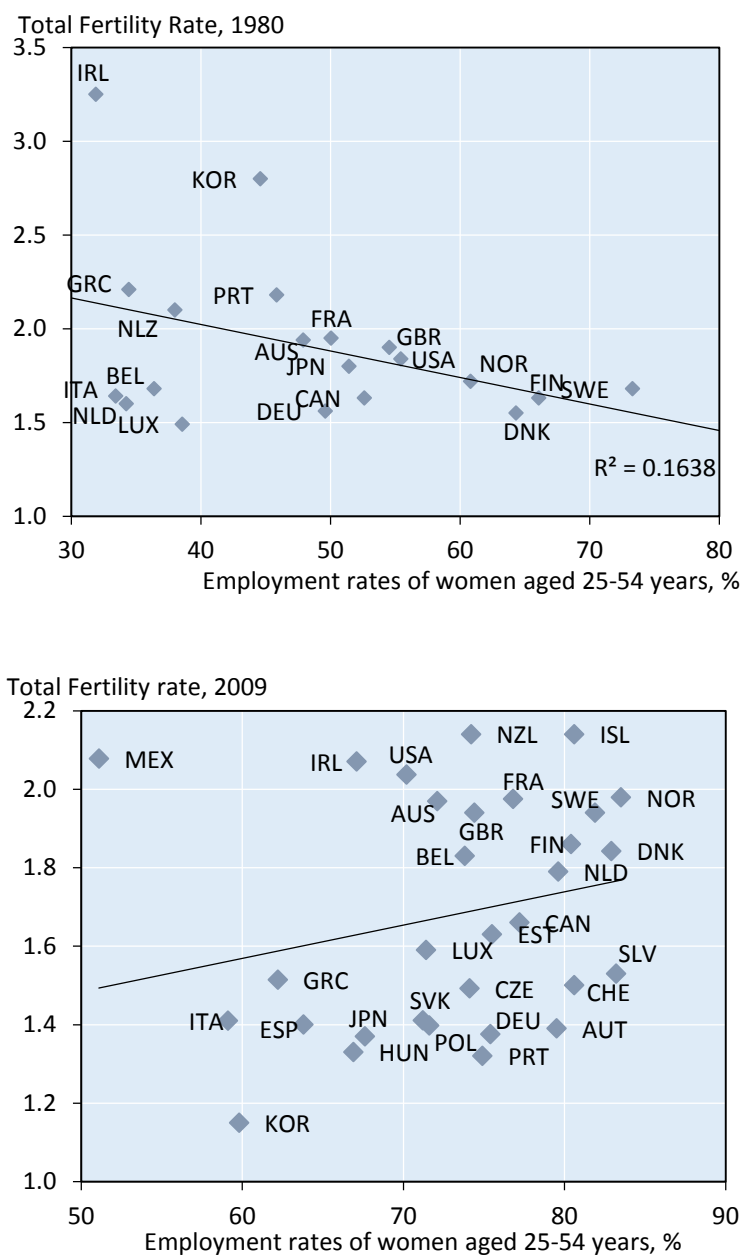


WHAT'S AT STAKE FOR THE COUNTRY

While it is tempting to conclude that the private sector has a long way to go and leave it at that, there are profound implications for the future of the country from this stubborn lag between changes in family life and changes in workplace culture. In fact, we contend that the future of our country depends on all of us closing this lag. Why? Because demographics are destiny.

Until about 2000, fertility rates around the world declined as more women worked outside the home. But, since then, that correlation has flipped, and fertility rates are now *higher* in those countries where women's labor force participation is also higher.⁴³

Figure 19: Correlation between fertility rates and women's labor force participation (1980 and 2009)



Source: OECD Family Database 2012

As the Organization for Economic Co-operation and Development (OECD) has said:

The reasons underlying [declining birth rates] are not fully known although factors such as financial insecurity and concern about managing work and family life clearly play a

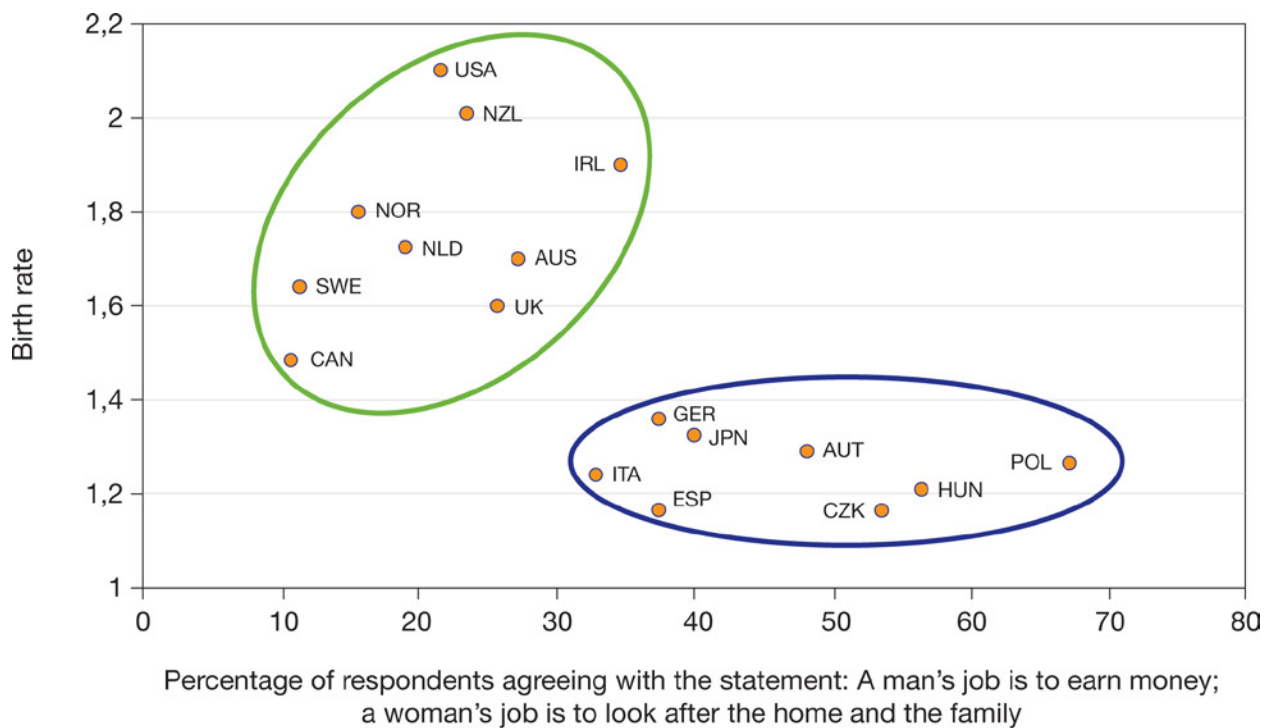
part ... as well as a greater perception of “incompatibility” between professional and family roles that still characterizes many OECD countries.⁴⁴

A 2007 Goldman Sachs report, *Gender Inequality, Growth and Global Aging*, similarly reported that:

... women in many countries have a choice of either working or having children. Faced with such a choice, fertility and employment rates both suffer. By contrast, in the countries where it is relatively easy to work and have children, female employment and fertility both tend to be higher.⁴⁵

While the Goldman Sachs report focused on what public policies support working mothers, there is another dimension to the positive correlation between fertility rates and women’s employment: cultural norms. The importance of cultural norms can be clearly seen in Figure 20 below, part of a presentation by Johannes Jütting and Denis Drechsler of the OECD Development Centre to the Norway Ministry of Foreign Affairs in 2007.⁴⁶

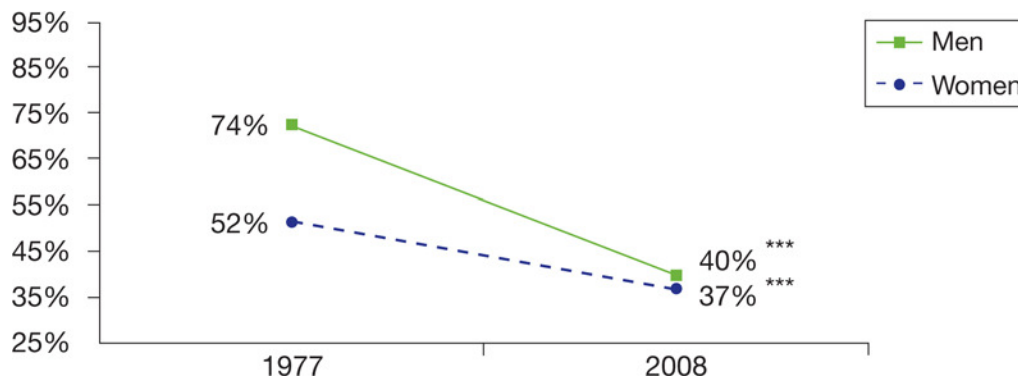
Figure 20: Attitude trap: birth rate and gender equality



Sources: Mortvik and Spant, based on UN and ISSP data

We have asked a similar question in our National Study of the Changing Workforce and have found that, by 2008, men and women were equally likely to reject traditional gender roles.

Figure 21: Male-female attitudes about gender roles (1977-2008)



SOURCE: Times Are Changing: Gender and Generation at Work and at Home (Families and Work Institute 2011)

The interplay between social policy and cultural norms regarding gender roles at home is complex and can have unintended consequences. In an in-depth report on gender and work patterns, *Closing the Gender Gap: Act Now*, the OECD found that:

*Government policies which help to reconcile work and family life ... often play a key role in female labour force participation. Although such policies aim to support both parents, they frequently and inadvertently reinforce the more traditional role of women as caregivers, so perpetuating gender inequality. The reason is that mothers generally make much wider use than fathers of parental leave options, part-time employment opportunities, and other flexible working time arrangements like teleworking. It is primarily mothers, for example, who avail themselves of long parental leave—and they are frequently reluctant to give up leave to their partner's benefit (OECD, 2011c). The result is a reinforcement of traditional gender roles. In fact, even when policies allow or encourage women to change the nature of their participation in employment or their hours of work, inequalities at home and in contributions to home life have a tendency to remain. A vicious circle is thus established: as long as mothers reduce employment participation when they have (young) children in the household, employers have an incentive to invest less in their female than in their male workers.*⁴⁷

The key, it appears, is to design policies and shape cultural norms in the workplace and in public policy that promote the ability for both women *and* men to be a “dual-centric provider,” as we describe in this paper.

Given the importance of changing the conditions under which men make their decisions, the OECD report:

... suggests that such policies are likely to be most effective if they intervene at those critical times when men are more open to changing their behaviour—when they become fathers, for example. Men are more likely to bond with their children if they spend time caring for them from an early age. Fathers’ greater involvement in childcare has beneficial effects on their children’s cognitive and behavioural development (Baxter and Smart, 2011; Huerta et al., 2011) and can reduce the time mothers devote to childcare.⁴⁸

The bottom line: when **public policy, workplace practices** and **cultural norms** support employed parents, men and women will contribute to the economy both by working and by raising the next generation of workers. This is important for economic growth, a sustainable retirement system and strong and secure families.

Let’s take economic growth first. According to McKinsey research, the U.S. GDP would be 25% smaller if women hadn’t started entering the workforce in large numbers in the late 1970s.⁴⁹ The World Economic Forum has calculated that if women worked at the same rates as men, it would boost U.S. GDP by as much as 9%, Eurozone GDP by 13% and Japanese GDP by 16%.⁵⁰ This is because when women work for a paycheck, they spend that money. In fact, women are the biggest emerging market in the world today.

Now, let’s turn to retirement. Japan has one of the lowest fertility rates in the world, and the government estimates that by 2060, its population will have dwindled from a peak of 187 million in 2007 to 87 million, half of whom will be over the age of 65.⁵¹ Various European countries are also worried about supporting an aging population given low birth rates, and the United States is starting to face this same demographic problem.⁵² Although our country has had relatively high birth rates (in part fueled by immigration) and rates of employed women for the last decade, both have stalled in recent years. In the meantime, an estimated 10,000 Baby Boomers retire every day.⁵³ The aging workforce has been called a “silver tsunami.”⁵⁴ We need more men and women to work and have families to avert long-term disaster. Public policy and workplace

practices need to recognize that employed parents contribute to the long-term viability of our retirement system and to provide support to allow them to work and have families.

But, even if none of these economic benefits were true, we would argue that it is still the case that the “ideal” worker from a public point of view is an employed parent because, as we have shown, most American employees already have jobs and are caring for a family member. In our experience, a workplace that is responsive to the needs of employed parents is also one that is responsive to employees with other caregiving responsibilities, including elder care. Our research shows that flexible work environments are just as, if not more, productive, and have lower health care and other costs than rigid workplaces.⁵⁵ But, perhaps even more importantly, our research also shows that families are stronger when parents feel they can provide for the family both financially *and* emotionally—in other words, when both parents are striving to be a dual-centric provider.

CONCLUSION

On the 50th anniversary of the publication of the *American Women: The Report of the President's Commission on the Status of Women*, it is laughable to assume a *Leave It To Beaver* world at home or at work, but there is still a pernicious lag in policy and practice in terms of addressing these realities.

If we, however, could use this anniversary as a rallying point to agree that the dual-centric provider is the new normal, and if we work toward federal policies, workplace practices and shifts in cultural norms to support the dual-centric provider, it would go a long way in ensuring a future that is better for individuals and institutions alike, as well as for the country as a whole.

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Occupational Segregation and the Gender Wage Gap: A Job Half Done

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January 2014



This paper was prepared with funding from the U.S. Department of Labor. The views expressed are those of the authors and should not be attributed to the Federal Government or the Department of Labor.

About this Report

This report was prepared by the Institute for Women's Policy Research (IWPR) as a part of a series of Scholars' Papers sponsored by the U.S. Department of Labor Women's Bureau in commemoration of the 50th Anniversary of *American Women: Report of the President's Commission on the Status of Women, 1963*.

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Acknowledgements

The authors wish to thank Jeffrey Hayes and Hannah Liepmann for their valuable contributions to the analyses conducted for this report. The authors would also like to thank the staff of the U.S. Department of Labor Women's Bureau for their support and careful comments on an earlier version of this report

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Occupational Segregation and the Gender Wage Gap

The 1963 report of the President's Commission on the Status of Women states: "The difference in occupational distribution of men and women is largely responsible for the fact that in 1961, the earnings of women working full time averaged only about 60 percent of those of men working full time."

The formal barriers that characterized much of the labor market for women in the 1960s have long gone. Colleges and universities are no longer permitted to artificially restrict women's entry to educational programs, Black women are as entitled to access to education and jobs as White women, and the days when employers were able to openly advertise a job just for women, or just for men, are a distant memory. Women are astronauts, Supreme Court justices, wind turbine engineers, four-star generals, university presidents, and a female economist is Chairperson of the Board of Governors of the US Federal Reserve System, the first central bank in an OECD country to be headed by a woman. Almost every second worker is a woman. Yet even though women have undoubtedly advanced toward economic equality during the last fifty years, women's median annual earnings for full-time work are still only 76.5 percent of men's, and marked differences in the occupational distribution of men and women continue to characterize the labor market. The Great Recession of 2007 to 2009, with its differential impact on women's and men's job loss and unemployment, provided a vivid illustration of the continued weight of gender segregation in employment. According to the Carl D. Perkins Vocational and Technical Education Act of 2006 (Perkins IV) and the Workforce Investment Act of 1998 (WIA), the term "nontraditional fields" means occupations or fields of work for which individuals of one gender comprise less than 25 percent of individuals employed in each such occupation or field of work. In 2012, nontraditional occupations for women employed only six percent of all women, but 44 percent of all men. The same imbalance holds for occupations that are nontraditional for men; these employ only 5 percent of men, but 40 percent of women (Hegewisch and Matite 2013). Gender segregation is also substantial in terms of the broad sectors where men and women work: three in four workers in education and health services are women, nine in ten workers in the construction industry and seven in ten workers in manufacturing are men (U.S. Bureau of Labor Statistics 2013).

This paper begins by reviewing trends in occupational segregation during the past several decades, showing that after significant change during the 1980s and early 1990s, further progress in occupational integration has stalled across the board during the last decade for women and

men with different levels of education, in different race/ethnic groups, and in different age cohorts. Just as there has been no progress in occupational integration during the 2000s, there has been no further progress towards equal pay, with the two trends showing an inverse relationship over time (as job segregation declined, equal pay increased). While this paper finds a clear wage penalty for work in predominantly female occupations, for both women and men, it also finds that this earnings penalty differs significantly between highly skilled and other occupations. The paper ends with a discussion of possible explanations of these findings and recommendations for policy change.

Historical Trends in the Gender Composition of Individual Occupations

Since the publication in 1963 of the report of the President's Commission on the Status of Women, the American workforce and American families have changed dramatically. In 1963, women were one third of all workers, the majority of women were not in the labor force, marriage – and certainly motherhood – meant an exit from paid work for women who could afford to do so, and women were less likely than men to have post-secondary education. With the passage of the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964, outright discrimination in pay and employment more generally became illegal, while Title IX of the Education Amendments of 1972 prohibited sex discrimination in any education program or activity at institutions receiving Federal financial assistance. In the decades that followed women made huge strides. By 1978 women earned the majority of Associate's Degrees, and by 1982, the majority of Bachelor's Degrees.¹ The labor force participation rate for mothers of children aged three years or younger (60.9 percent in 2011) is higher now than the labor force participation rate for all women in 1970 (43.3 percent; U.S. Department of Labor 2013 Tables 2,7). Among workers aged 18 to 65 years, the gap in female and male participation rates roughly halved every twenty years, from 49 percentage points in 1960, to 27 percentage points in 1980 and 13 percentage points in 2000; in 2010 it remained relatively stable, falling only to 11.7 percent.²

In 1960, only 15 percent of managers were female; 40 years later, women are 38 percent of those in management jobs, and a higher proportion of women than men work in managerial and professional occupations (41.2 percent compared with 34.4 percent; U.S. Department of Labor BLS 2013). Women's share of lawyers increased from 4 percent in 1972 to 32 percent in 2012; for physicians and surgeons, from 10 to 34 percent, and for pharmacists from 28 to 54 percent

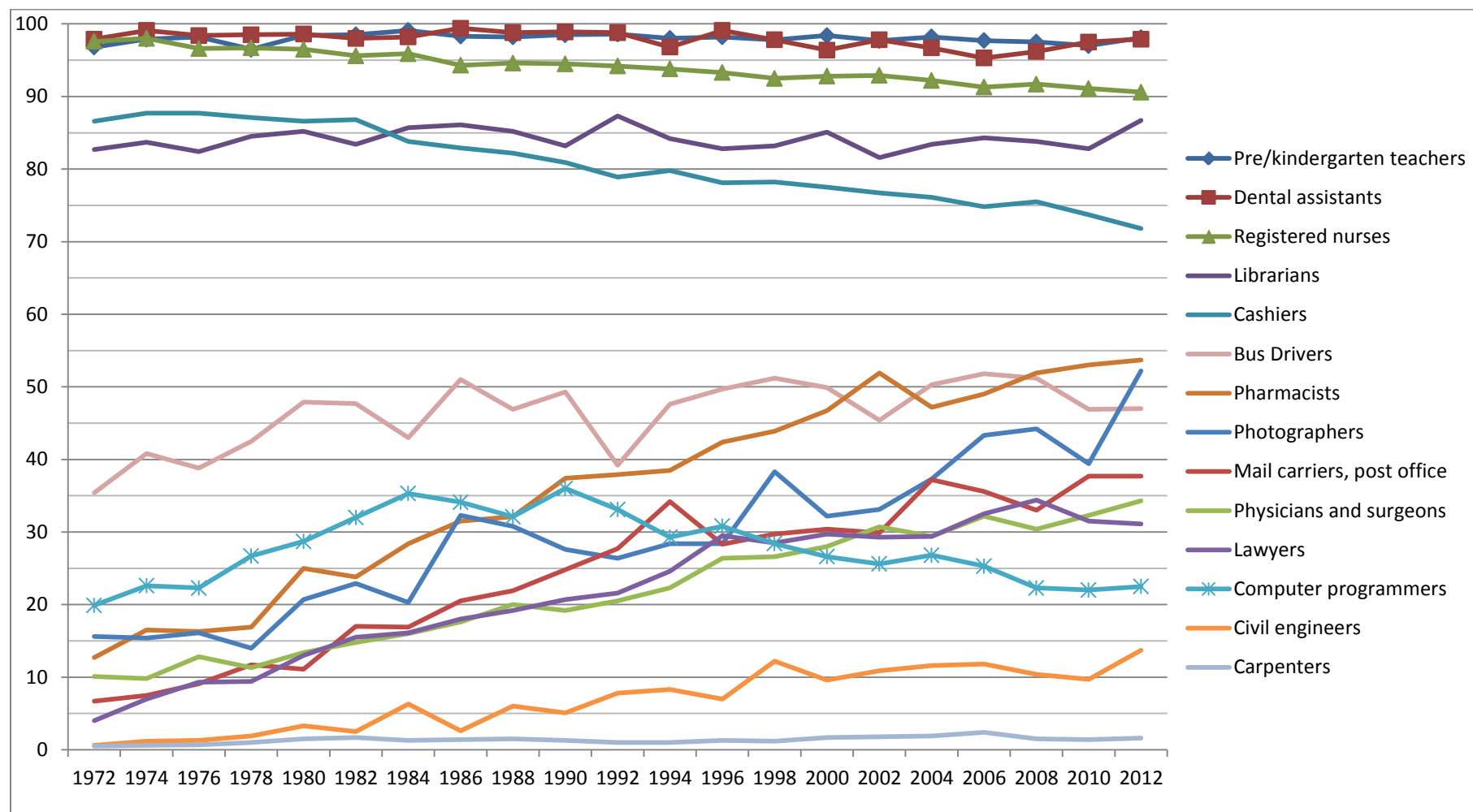
¹ IWPR calculation based on National Center for Education Statistics "Degrees conferred by Degree-granting Institutions, by level of degree and sex of student" in Snyder and Dillow 2013

² IWPR analysis of CPS-ASEC (King et al 2010);

(Figure 1). Women were fewer than 10 percent of accounting majors at universities in the 1960s; by the mid 1980s they were the majority of graduates in the field, and now women are more than 60 percent of ‘accountants and auditors.’ While racial and ethnic disparities continue to be characteristic of the labor market, women of color have also seen significant improvement in job opportunities. In 1960, more than 40 percent of Black women were employed in just two occupations – ‘personal service’ and ‘housekeepers, maids, butlers, stewards and lodging quarter cleaners,’ and one in five Hispanic women worked in just two occupations in manufacturing – ‘Machine operators, not elsewhere classified (n.e.c.)’ and ‘Other precision, apparel and fabric workers.’³ Forty years later, more than one third of Black women (34 percent) and one quarter of Hispanic women (25 percent) work in ‘management, professional and related occupations.’

³ IWPR analysis of Census data based on IPUMS, as provided by Ruggles et al 2010.

Figure 1: Women's Share of Selected Occupations, 1972 to 2012



Notes: Data refer to annual averages for all persons employed aged 16 years and older.

Source: IWPR compilation based on the U.S. Department of Labor, Bureau of Labor Statistics, “B-20. Employed persons by detailed occupation, sex, and race, 1972-81;” “Employed persons by detailed occupation, sex, and race (1982);” “Employed persons by detailed occupation and sex, 1983-2002 annual averages;” “Table 11. Employed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity.” 2003 onwards. Data are from the Current Population Survey.

Yet while women have fanned out into many new fields in management and professional occupations, their comparative concentration in healthcare, care work, and education and their underrepresentation in craft and technical occupations has not changed. In 2011, more than one in five women (22 percent) worked in ‘health care and social assistance’. One in seven women (13.5 percent), but only one in twenty men (5.5 percent), worked in educational services.⁴ The largest occupations for women – secretaries, teachers, nurses and ‘nursing, psychiatric, and home health aides’ — are each at least 80 percent female (Hegewisch and Matite 2013). There has been remarkably little change in the gender balance of some of the most common occupations for either women or men during the last forty years. Women were more than nine in ten pre-school and kindergarten teachers, hair dressers and cosmetologists, and dental hygienists in 1972, and they are more than nine in ten now. Men’s share of nursing has quadrupled since 1972, but nine in ten nurses are still women. Carpentry, one of largest occupations for men, has always been at least 97 percent male (Figure 1). Yet, as shown in Figure 1, several not already mentioned common occupations, such as mail carriers and photographers, have become integrated or become more heavily female, e.g. bus drivers, in the earlier years and then remained about 50-50.

Change in the gender composition of occupations is of course not linear and can run in any direction. As can be seen in Figure 1 above, some occupations have seen considerable change in their gender composition over time, others hardly any change at all, and others, such as the occupation of computer programmer, saw an increase, followed by a decline in women’s share of the job. In the early 1970s, when computing was still in its relative infancy, women’s share of the profession was considerably higher than their share of other professional occupations, and for the next two decades, the share of women in computer programming steadily increased, up to more than one-third of workers in the occupation. Yet beginning in the early 1990s women’s share of this occupation began to decline, and by 2007, computer programming once again had become a nontraditional occupation for women, with women accounting for fewer than one in four workers in that occupation. Computing occupations together account for half of all Science, Technology, Engineering, and Mathematics (STEM) related occupations; women are only 27 percent of all computing workers (Landivar 2013).

Trends in Occupational Segregation

Highlighting change in individual occupations provides a somewhat arbitrary snapshot of change in the gender composition of occupations. A more comprehensive analysis of occupational

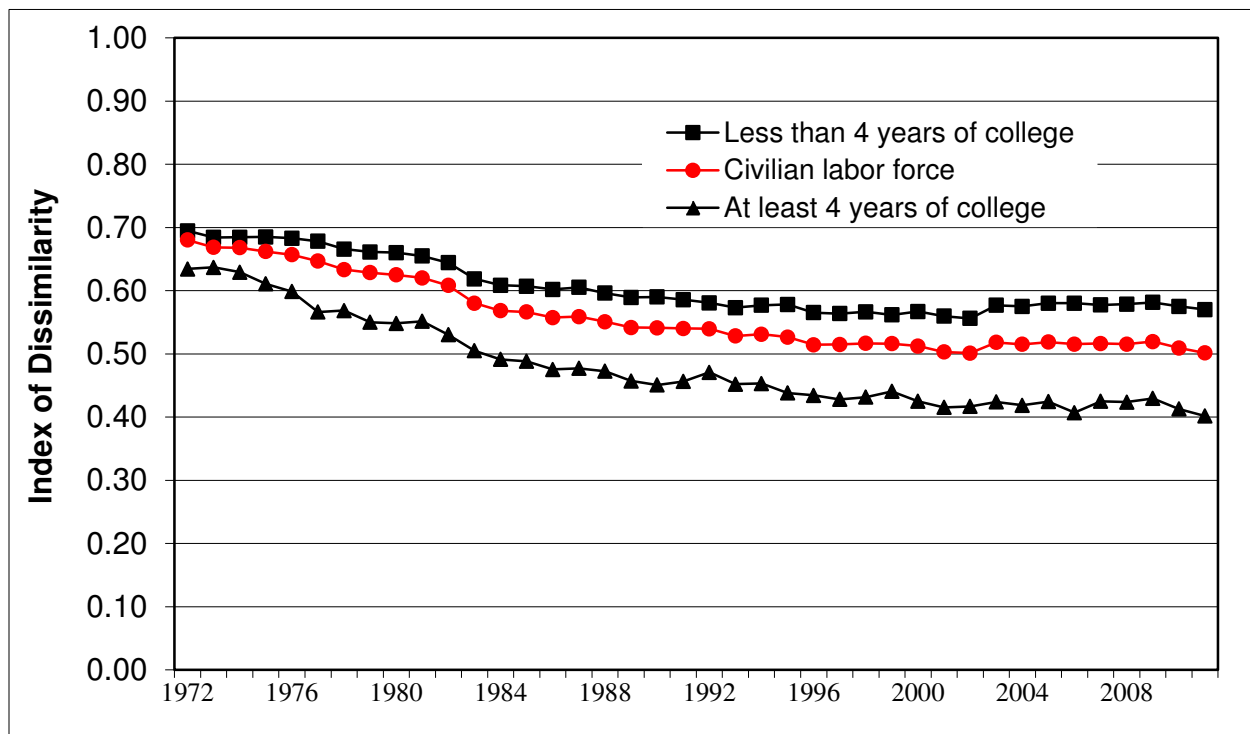
⁴ U.S. Department of Labor Bureau of Labor Statistics 2013. Women in the Labor Force: A Databook; Table 13

segregation is provided by constructing the Index of Occupational Dissimilarity. The index, based on a methodology developed by Duncan and Duncan (1955) to measure racial segregation in neighborhoods, compares the share of women in each individual occupation to the share of women in the labor force overall and then calculates how many women (or men) would have to change occupations to get to a state where each individual occupation had the same gender distribution as the economy overall; occupations are weighted by their share of the overall workforce (see Blau and Hendricks 1979). A value of 1 of the index would suggest that an occupation is completely segregated, and a value of 0, that an occupation has the same gender balance as total employment.

Figure 2 below is based on data for 389 occupations covering the entire civilian labor force and uses a crosswalk developed by Meyer and Osborne (2005) to compare occupations over time based on the 1990 occupational reclassification. Generating occupational crosswalks across years and changing definitions provides a broader analysis of occupational segregation than is available in any one year (in 2012, the U.S. Bureau of Labor Statistics listed more than 500 occupations). Research has variously found that gender segregation is more marked the more detailed the classifications of occupations are (see for example Bayard, Hellerstein, Neumark, and Troske, 2003; Bellas and Coventry, 2001; Brummund, Liu 2013; and Groshen, 1991) and hence, if anything, the following analysis may underestimate actual levels of segregation (since to ensure data compatibility across years, a number of occupations had to be combined, reducing the level of detail). Data are shown for all workers, as well as separately for workers with at least a Bachelor's Degree and for workers with less than a Bachelor's Degree, all aged 25-64. The index suggests a substantial decline in occupational segregation over time for all workers. Between 1972 and 2011, the index fell from close to 0.68 in 1972 to 0.50 in 2011, a substantial change, yet still very far from gender integration. According to this measure of occupational segregation, in 2011 half of women or men would still have to change occupations for there to be true gender parity across occupations.

The index also shows marked differences in the extent of change among different decades. The decline in the index was strongest during the 1980s, change was more moderate during the 1990s, and there was virtually no further improvement towards integration during the 2000s (Figure 2).

Figure 2. The Index of Occupational Dissimilarity, 1972 - 2011



Notes: The analysis is restricted to the civilian labor force, and to workers aged 25 to 64. Occupations are consistently classified according to 1990 Census occupational classifications.

Source: Authors' compilations based on the Current Population Survey, March/Annual Social and Economic Supplement (ASEC), as provided by King *et al.*, (2010).

A change in the value of the index can reflect a change in the gender composition of individual occupations or a change in the labor force's mix of more and less integrated occupations among all occupations (Blau and Hendricks 1979). Holding everything else constant, the index will decline when more women move into occupations where they are underrepresented, such as in construction (called the 'composition' effect by Blau and Hendricks), but also when the share of occupations where they are underrepresented, such as construction worker, declines as a proportion of all workers (called the 'mix' effect). Estimating the contribution of the composition and the mix effects separately⁵ finds that the composition effect was negative in each of the four decades, albeit to a declining extent; that is, in each of the four decades, on balance individual occupations have become more gender integrated. Other things held equal, a negative value for the composition effect leads to a decline in the value of the index. However, the composition effect has become much weaker over time and has become almost zero during the 2000s. The mix effect, on the other hand, was positive in each of the decades as less integrated occupations (such as nursing and other healthcare occupations) have seen particularly strong growth

⁵ The analysis follows the methods developed by Blau and Hendricks (1979).

(Hegewisch and Liepmann 2013), and this faster growth of more segregated occupations would have raised the index, had the increased integration of many individual occupations not been occurring simultaneously.

Figure 2 also shows that while there has been a move towards greater gender integration across all major levels of educational attainment, women and men with at least a four-year college degree are considerably more likely to work in more integrated occupations than women and men with lower levels of education. There has been much less change towards gender integration for workers with Associate's Degrees than for workers with Bachelor's Degrees, a trend also noted in earlier studies (Cotter, Hermsen and Vannemann 2004; Jacobs 2003). In 1970, the index for men and women with Associate's Degrees was 0.64, at that time a lower (more integrated) level than for workers with Bachelor's Degrees (0.71). By 2010, the index for the former had fallen only to 0.59, while the index for the latter had fallen to 0.44.⁶ Nevertheless, overall the trends have been similar during the last few decades: further movement towards greater integration stalled from the late 1990s onwards. As Jacobs (2003) noted, the stalling in occupational integration for college-educated persons followed change in the gender composition of college majors which, after a 20-year trend towards greater integration that began in the early 1960s, slowed markedly during the late 1980s and came to a complete stop in the 1990s.

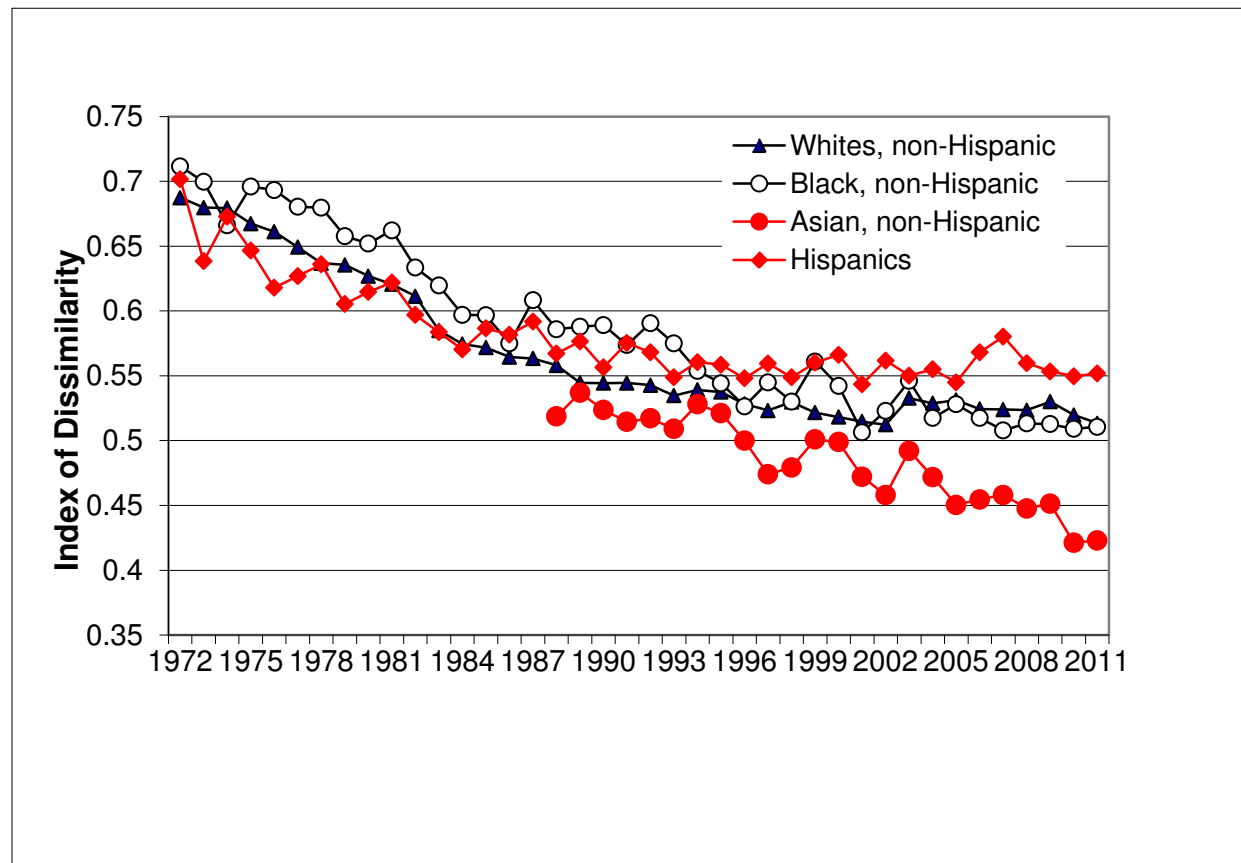
Occupational Segregation by Race and Gender

The movement towards greater gender integration, followed by a slowdown in further change, is also clearly discernible for women and men of each of the largest racial/ethnic groups. Figure 3 below shows the index for women and men within each broad racial/ethnic group. Hispanic men and women are the least likely to work in the same occupations, Asian American men and women, the most likely. The differences among groups closely correlate to differences in gender integration for persons with different levels of education. Asian Americans are the racial/ethnic group most likely to have a four-year college degree, Hispanics, least likely. Gender segregation between Black female and male workers was considerably higher than among White female and male workers during the first two decades, but the indices of gender segregation have converged for these two racial groups during the most recent decade. Overall, occupational segregation by gender is much stronger than occupational segregation by race. Women are more likely to work in occupations with other women, irrespective of their race, than they are to work with men of

⁶ IWPR analysis of workers aged 25 to 64 years and older, based on analysis of the Current Population Survey, March/Annual Social and Economic Supplement (ASEC), as provided by King *et al.*, (2010).

their own race or ethnicity. That said, segregation by race and ethnicity is still considerable. For example, the value of the Index of Segregation between all Black and White women was 0.28; between Hispanic and White women and between Asian American and White women it was 0.30 (Hegewisch and Liepmann 2013).

Figure 3. The Index of Occupational Gender Dissimilarity Within the Largest Race/Ethnicity Groups, 1972 - 2011



Notes: Occupations are consistently classified according to 1990 Census occupational classifications. The analysis is restricted to the civilian labor force, and to workers aged 25 to 64. Whites, Blacks and Asian groups are non-Hispanic. "Asians" include "Asian only," as well as "Hawaiian/Pacific Islander" (data available only from 1988 onward).

Source: Authors' calculation based on the Current Population Survey, March/Annual Social and Economic Supplement (ASEC), as provided by King et al. (2010).

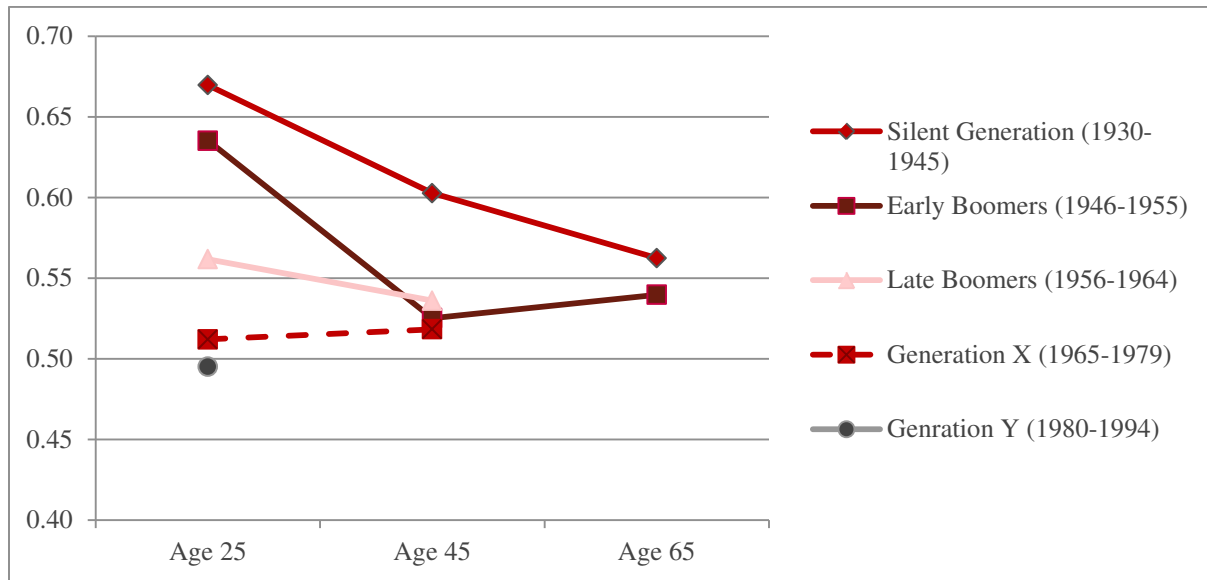
Alonso-Villar and del Río (2012), in their more detailed analysis of Black women's experience of occupational segregation, note that highly-educated Black women are less likely than highly educated White women to work in the most highly-paid occupations, such as actuaries, veterinarians, or lawyers. Browne and Askew (2005) do not analyze occupational segregation but find that earnings disparities between Latina and White women college graduates grew during the 1990s and into the early 2000s. Cotter, Hermesen and Vannemann (2004), who also include an examination of racial and ethnic occupational segregation among men, find that the level of occupational segregation between White men and men of other racial/ethnic groups is larger than it is for White women compared to women of other racial/ethnic groups, a compounding of advantage for White men compared to all other groups, male or female.

Occupational Segregation and Different Generations of Women

Another way of looking at change over time is to focus on the experience of different cohorts of women. Figure 4 below shows the value of the Index at ages 25, 45 and 65 for five different cohorts of women and men.⁷ Progressively, at age 25 each new generation found the labor market less segregated than it was for the preceding generation, suggesting a reasonably strong effect of progress from cohort to cohort at early labor market entry. The intergenerational drop in occupational segregation was particularly marked between the Late and Early Boomers at age 25, but for the last cohort to reach age 25, Generation Y, the decrease in occupational segregation compared to Generation X women at 25 was very small. The older cohorts also experienced a drop in occupational segregation during their lifetimes. The data shown compare the occupational segregation only for men and women within each cohort and thus suggest that desegregation was not due solely to younger women moving out of female-dominated occupations, but also to occupational change during the lifetimes of each cohort. The Silent Generation experienced the most consistent drops in segregation over their lifetimes. The Early Boomer generation experienced the largest drop in occupational segregation at age 45 relative to the earlier cohort, the Silent Generation, as well as a large decline in occupational segregation at age 45 compared with their experiences at age 25. Yet by the time Early Boomers reached age 65 in the 2000's and 2010's, the measure of occupational segregation within the cohort had increased. Likewise, Generation X women, reaching their mid-forties mainly in the 2010's, saw an increase, rather than a decrease, in occupational segregation between ages 25 and 45. The Early Boomer, the Late Boomer, and Generation X all saw an increase in occupational segregation in the 2000's and 2010's, suggesting a strong effect of this time period on virtually all cohorts.

⁷ The different cohorts are defined in consultation with the AARP: Silent Generation, born between 1930 and 1945; Early Boomers, born between 1946 and 1955; Late Boomers, born between 1956 and 1964; Generation X, born between 1965 and 1979; and Generation Y, born between 1980 and 1994.

Figure 4: The Index for Occupational Segregation for Different Generations, at Age 25, 45, and 65



Note: The specification of the each cohort follows the definition used by AARP.

Source: Authors' calculation based on the Current Population Survey, March/Annual Social and Economic Supplement (ASEC), as provided by King et al. (2010).

Blau, Brummund, and Liu (2013) have also extended the analysis of occupational gender segregation into the most recently completed decade, examining change from 1970 to 2009. While the analysis in this paper is based on the standard occupational classification system of 1990 and uses the Current Population Survey, Blau, Brummund, and Liu construct a crosswalk based on the most recent occupational reclassification from 2000 and use the Decennial Census and the American Community Survey. While the results are thus not strictly comparable, they find broadly similar trends, although they find a small further trend towards occupational integration during the last decade, while the analysis reported in this paper finds no further progress. Blau, Brummund, and Liu compare trends for different cohorts of women by adopting decennial birth cohorts and suggest that the decline in occupational segregation experienced by older women in older cohorts may be due primarily to the labor market entry of better educated and trained younger women more likely than the previous cohort to enter previously male occupations. Yet, as we suggest above, our cohort analysis indicates that change towards greater occupational integration also occurred as a result of women of older cohorts making career changes during their working lives. While each younger cohort of women has had higher educational attainment at age 25 than the preceding cohort, many women returned to education later in life, and the educational profile of Baby Boomers does not differ dramatically from that

of the subsequent generations.⁸ Rose and Hartmann (2004), who use panel data to study the work experience of women and men aged 26 to 59 across a 15-year period (from 1983 to 1998), find that close to 60 percent of firmly-attached workers (with work experience in each of the 15 years) consistently worked in one of six major gender-typed occupational groupings and that among the men and women who did not change groupings, gender segregation was very pronounced. Yet more than 40 percent of workers did change their grouping. A more thorough investigation of the role of factors such as job change due to further training and education and the weight of ‘occupational mix’ compared to ‘compositional’ factors in accounting for change within cohorts lies outside the scope of this paper.

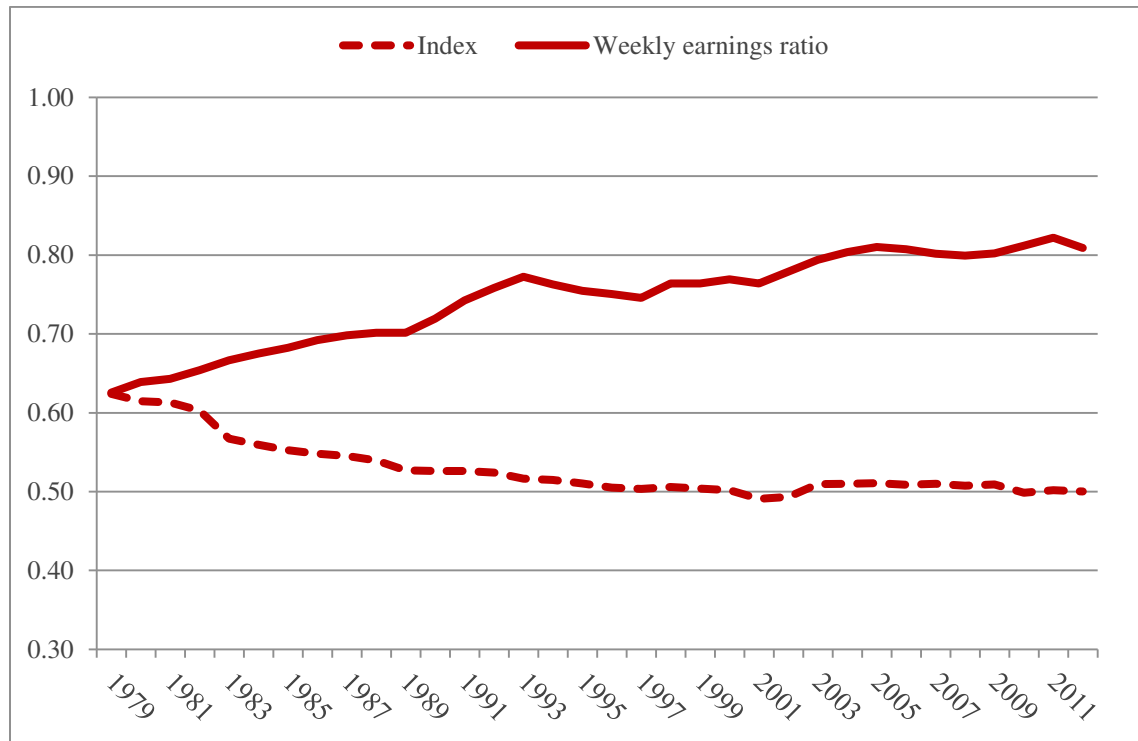
Earnings and Occupational Segregation

Research suggests that occupational segregation is a major contributor to the gender wage gap (see for example Blau and Kahn 2007; England, Hermsen, and Cotter 2000; Jacobs and Steinberg 1990; Treimann and Hartmann 1981). Concomitantly, the decline in occupational segregation was a major contributing factor to women’s increased real earnings during the last decades. Hsieh et al. (2013) estimate that between 1960 and 2008 approximately 60 percent of real wage growth for Black women, 40 percent for White women, and 45 percent for Black men can be attributed to falling levels of occupational segregation; during the same time they estimate a real wage decline of 5 percent for White men as a result of the change in the gender composition of occupations.

A look at the change in occupational segregation and in the gender earnings ratio on the same graph suggests that the two trends are inversely correlated (Figure 5 below). During the 1980s, when the decline in occupational segregation was strongest, women’s earnings relative to men’s saw the greatest improvement. During the 1990s, when the trend towards occupational integration slowed down, so did further improvements in the gender earnings ratio, and when occupational integration stagnated during the 2000s, likewise, there was little further improvement in the gender earnings ratio.

⁸ For example, at age 25, 19 percent of the Early Boomers had graduated from a 4-year college; by age 55 this proportion had risen to 28 percent (IWPR micro data analysis of CPS-ASEC, as provided through King et al 2010).

Figure 5: Change in the Index of Occupational Segregation and the Gender Earnings Ratio, 1979 to 2012



Note: The Index of Occupational Segregation is calculated all workers aged 16 and older; the Gender Earnings Ratio is calculated for full-time workers aged 15 and older.

Source: Authors' calculation based on the Current Population Survey, March/Annual Social and Economic Supplement (ASEC), as provided by King et al. (2010). Weekly earnings ratio based on U.S. Department of Labor Bureau of Labor Statistics (2013), Table 16

To investigate the relationship between earnings and occupations in more detail, following Rose and Hartmann (2004) and Hegewisch, Liepmann, Hayes and Hartmann (2010), occupations were divided into nine different categories, using three broad groups to indicate the gender composition of occupations—‘predominantly female’ occupations, where women were at least 75 percent of workers; ‘integrated occupations,’ where women were fewer than 75 percent but more than 25 percent of workers; and ‘predominantly male’ occupations, where women were fewer than 25 percent of workers, and then subdividing each of these into three broad levels of education and skill requirements—‘high skill’, requiring at least a four-year college degree; ‘medium skill,’ requiring at least some college education, moderate or long-term on-the-job training, a postsecondary vocational award or an Associate’s Degree; and ‘low skill,’ requiring a

high school education or less and no or only short-term on-the-job training.⁹ It should be noted that the medium skill level includes a considerable range of skills and educational attainment, ranging from just some college or certification to an Associate's Degree. Taking a simple measure, for example subdividing occupations between those that require Associate's Degrees and others would inadvertently introduce gender bias. Women are the majority of those with Associate's Degrees, and female-dominated sectors such as health care and social assistance tend to be more focused on formal certification and qualifications than male-dominated sectors such as construction. While apprenticeships can be considered equivalent to Associate's Degrees (and, indeed, in trades such as electrician, more akin to a Bachelor's Degree in terms of years of training required), the share of apprenticed workers in construction has fallen to well under 20 percent, with many workers primarily learning on the job without formal benchmarks of skill attainment.

Hegewisch et al (2010) analyze median weekly earnings for workers working full-time, year round in each of these nine groups and find clear earnings differences at each skill level, with predominantly female occupations having the lowest earnings and predominantly male occupations, the highest. The present analysis conducts the earnings analysis separately for women and men because the gender earnings gap within occupations is well-documented: of the more than 100 occupations with sufficient numbers of women and men to estimate a gender earnings ratio, in fewer than five occupations are women's median weekly earnings higher than men's (Hegewisch and Matite 2013). To capture differences in earnings due to differences in the numbers of hours worked,¹⁰ data are estimated on a median hourly basis. As Rose and Hartmann (2004) found in their analysis, average hours worked differ significantly between men and women in male- and female-dominated occupations, with both women and men on average working more hours in predominantly male occupations than workers in predominantly female occupations. Table 1 below presents data on median hourly earnings for predominantly female, integrated, and predominantly male occupations for women and men in each of the major occupational skill groups. With one exception, it shows that irrespective of skill level or gender composition, men have higher median hourly earnings than women; the exception is for the highly-skilled female-dominated occupations, where women's hourly earnings are estimated at

⁹ The three groups combine data from the Bureau of Labor Statistics' assessment of education and training requirements with an analysis of the actual educational profile of workers in an occupation; all apprenticeable occupations were classified as medium skilled. For more detailed discussion of the methodology, see Hegewisch, Liepmann, Hayes, and Hartmann 2010.

¹⁰ While the majority of full-time workers work 40 hours per week, women are more likely than men to work between 35 and 39 hours per week while men are more likely than women to work more than 40 hours (U.S. Department of Labor 2013a)

101 percent of men's hourly earnings within these occupations, a fact at least partly reflecting women's likely greater seniority.

The analysis also suggests that there is a clear penalty for working in female-dominated occupations, with women in each of the three broad skill categories earning less in female-dominated occupations than in integrated or male-dominated occupations. Men also suffer a wage penalty for working in female-dominated occupations compared to what they could earn in male-dominated or integrated occupations at the same skill level.

Table 1. Women’s and Men’s median hourly earnings and wage gaps by skill level and gender composition, 2010

	Median Hourly Earnings	Predominantly female occupations	Integrated occupations	Predominantly male occupations	Earnings ratio of predominantly female to predominantly male occupations
Low skill	Women	\$10.12	\$10.58	\$11.54	88%
	Men	\$13.46	\$13.46	\$14.42	93%
	Gender Earnings Ratio	75%	79%	80%	
Medium skill	Women	\$15.38	\$ 16.64	\$16.83	91%
	Men	\$ 17.09	\$21.15	\$20.19	85%
	Gender Earnings Ratio	90%	79%	83%	
High skill	Women	\$ 24.04	\$24.52	\$33.65	71%
	Men	\$ 23.85	\$32.91	\$36.06	66%
	Gender Earnings Ratio	101%	75%	93%	

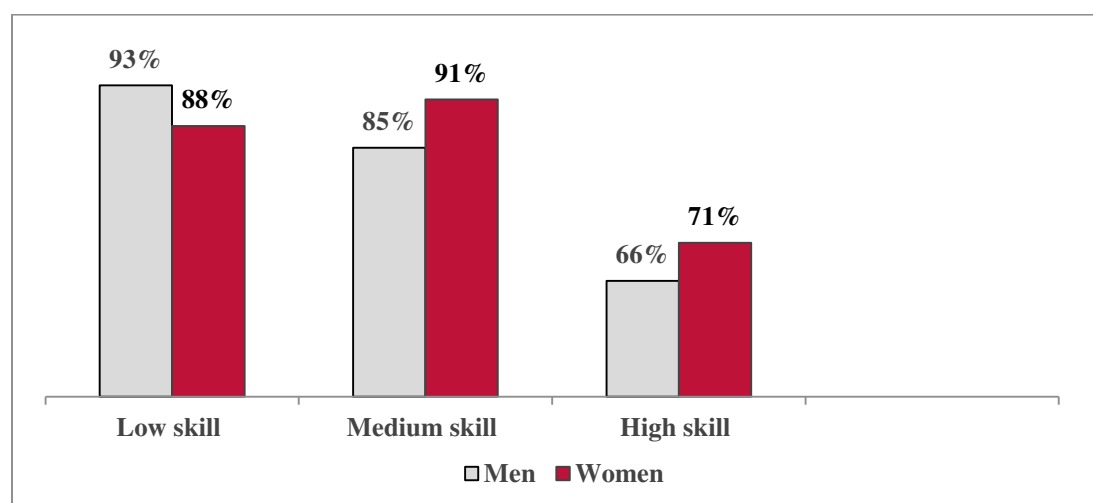
Notes: ‘Predominantly female’ occupations are defined as occupations where women are at least 75 percent of the workforce; ‘predominantly male,’ as occupations where women are 25 percent or less of the workforce; ‘integrated occupations,’ as occupations that have a female share of more than 25 percent but less than 75 percent of the workforce. Hourly wages are calculated by dividing annual earnings by ‘weeks per year’ times ‘usual hours worked per week.’ Full-time year round workers with earnings are included.

Source: IWPR calculations based on CPS ASEC 2011 as provided by Ruggles et al 2010.

The earnings penalty for working in predominantly female compared to predominantly male occupations is proportionately highest for both women and men working in occupations that require at least a four-year college or university degree (Figure 6 below). Women in highly-skilled predominantly female occupations make only 71 percent of median hourly earnings of women who work in highly-skilled male-dominated occupations, almost \$10 less per hour (and \$12 less per hour than men working in highly-skilled male-dominated occupations, as shown in Table 1). The penalty for working in female-dominated occupations at lower skill levels is less stark, but for women in low skill jobs is still greater than 10 percent, and close to 10 percent of median hourly earnings in medium skill jobs. The return to education and skills has changed significantly during the last fifty years, becoming more polarized between low-wage and high-wage jobs. Men with lower levels of educational attainment have seen real wages stagnate, if not

fall, in response to the decline in unionization and other factors; the only group of men who have seen a sustained increase in real earnings since the mid-1980s are men with at least a four-year college degree (Levy and Temin 2007). It is at the highest level of skill, that women stand to gain the most from moving from female-dominated to male-dominated jobs, particularly if they could get equal pay in these jobs and earn what men do. As Table 1 shows, a woman with a high skill predominantly female job earns \$24.04 per hour. If she could move to a high skill male-dominated job and earn \$36.06 per hour (the male range) she would earn \$12.02 per hour more or \$25,000 more for a full year of work at 40 hours per week.

Figure 6: Median Hourly Earnings in Predominantly Female Occupations as Percent of Median Hourly Earnings in Predominantly Male Occupations by Broad Skill Level, for Women and Men, 2010



Notes and Sources: See Table 1

As discussed above, hours of work are an important differentiator between predominantly female and predominantly male occupations, with predominantly male jobs often involving longer hours and the opportunity to earn overtime pay. While this may partly be a reflection of preferences informed by the gendered division of unpaid care and family work, recent research on the retail and leisure industry suggests that many women would prefer to work more hours, but also that the lack of predictability of hours of work is an increasing problem for both men and women (Lambert and Henly 2012). At the same time, the emphasis on long hours in male-dominated occupations may act as a barrier to women's entry into these occupations, creating a chicken and egg situation where the emphasis on long hours may act as a disincentive to many women with caregiving responsibilities, while at the same time the lack of policies to allow flexible work provides them with little incentive to enter.

Table 1 also shows that earnings, across the board, are low for women in the lowest-skilled occupations. In the low-skill female-dominated occupations, for a work year of 2080 hours, women would earn \$6,950 more if they earned the same hourly wage as men in those occupations. For the low-skill integrated jobs, women would earn \$5,990 more per full-time year if they earned men's hourly wages in those occupations, and in the low-skill male-dominated jobs, equal pay would also bring women \$5,990 more per full-time year. Wage differences of this magnitude are enough to make the difference between above-poverty and below-poverty family living standards. These least-skilled occupations include female-dominated occupations such as 'personal care aides,' 'home health aides,' and 'nursing assistants,' occupations predicted to see high levels of growth (U.S. Bureau of Labor Statistics 2013c).

Even at higher skill levels, the data in Table 1 suggest that women would benefit from earning equal pay with men in virtually all groups of occupations. In medium skill occupations, equal pay for women for a full-time work year would bring them an additional \$3,555 per year in predominantly female occupations, \$6,990 more per year in the predominantly male occupations, and the largest gain, \$9,380, in the integrated occupations. In the high skill occupations, women would gain \$5,015 per year by earning equal pay with men in the male dominated occupations and a whopping \$17,451 additional per year from equal pay in the high-skill integrated occupations. In the female-dominated occupations, men would gain \$395 per year if they earned the same as women.

Discussion and Conclusions

The literature reviewed and the data analyzed for this paper show that occupational gender segregation remains a major feature of the labor market and that trends towards integration of occupations have stalled in the last decade for women and men of different generations, across different levels of educational attainment, and for all of the largest racial and ethnic groups. The data further suggest that change across time in the gender earnings ratio is inversely related to change in occupational segregation – the gender earnings ratio improved most strongly when occupational segregation fell most strongly, and it no longer improved when there was no further change in the level of occupational segregation. The analysis also shows that at each major level of education and skills, women, as well as men, face a wage penalty for working in female-dominated occupations. This relationship suggests that occupational segregation should continue to be a target of any policy efforts designed to tackle the wage gap, whether such policies focus on encouraging women's movement into better-paid integrated or male-dominated occupations, or whether they are focused on improving earnings in female-dominated occupations, or both.

Indeed the relatively low pay of female-dominated jobs at all skill levels compared with gender integrated and male-dominated jobs at comparable skill levels suggests that comparable worth (also called pay equity) is a needed strategy for improving pay in female-dominated jobs. A comparable worth strategy calls for evaluating jobs and their pay levels to test whether female-dominated jobs earn less than male-dominated jobs that are comparable in terms of skill, effort, responsibility, and working conditions considered together, and then, if such discrimination in pay is found, to increase the wages of the female-dominated jobs. Nearly half the states have analyzed jobs in their civil services for pay bias and approved changes in pay as a result of studies conducted (Hartmann and Aaronson 1994). Less is known about whether private employers may also be undertaking studies and redressing pay inequities. Because many federal courts have held that this type of pay inequity is not covered by Title VII, fewer legal cases are coming forward making the argument that such pay inequity is wage discrimination. The proposed Fair Pay Act has been introduced in Congress many times; it would clarify that the pay discrimination in female-dominated jobs compared to male-dominated jobs of equal value is indeed wage discrimination. Although some observers believe that the lowest-wage jobs are not likely to gain from comparable worth strategies, research suggests otherwise. For example, Lovell, Hartmann, and Werschkul (2007), in a study that examined skill requirements of jobs with more detail than was possible here, show that men's low-wage jobs require far less in the way of skill, education, and certifications than women's low-wage jobs, despite their generally higher pay. Deborah Figart and June Lapidus (1997) and Pamela Stone and Arielle Kuperberg (2005) find that comparable worth wage readjustments would raise wages for women and minorities at the bottom of the labor market. Such studies suggest that the skills required in many low-wage women's occupations are not currently being recognized and rewarded in the labor market. Indeed a comparable worth strategy would likely raise women's wages at all skill levels relative to men's wages (much as it has in the civil service systems where pay adjustments have occurred; Hartmann and Aaronson 1994).

Other ways to raise pay in female-dominated jobs (and all jobs), especially at the low-skill level, include increasing minimum wages and enhancing support for unionization and policies that can improve job quality, such as paid sick days and paid family leave. Women hold the majority of jobs subject to the minimum wage, and labor unions have been shown to raise women's wages more than men's (Hartmann, Spalter-Roth, and Collins 1994). And it is often women's jobs at the low end of the labor market that lack access to paid sick days or paid family leave. These policies tend to strengthen and lengthen workers' attachment to the labor market and to their specific jobs, helping them accumulate seniority on the job, often leading to experience-related pay increases.

Integrating male and female-dominated jobs is also a needed, continuing strategy. All employers with 15 employees or more are subject to Title VII and should be hiring, promoting, and compensating workers without bias based on gender, race, ethnicity, religion, or national origin. The slow progress that has been made in integrating many jobs, especially those that require less than a college education, and in further closing the wage gap, shows just how far employers still need to come in changing their employment practices to achieve equal opportunity for women workers (and for male workers in female-dominated jobs).

In addition, since Table 1 shows wide disparities in hourly pay between women and men who are in occupations that share the same skill ranking, it appears that stronger enforcement of plain vanilla equal pay laws that require equal pay for men and women doing substantially equal work is still needed. Lack of equal pay with men at the same general skill level and with the same gender composition of occupation costs women from \$3,555 to \$17,450 per year for full-time work, according to the data presented here.

The data in Table 1 also show considerable wage premia for higher-skilled jobs compared with lower-skilled ones. All workers benefit from moving up the educational ladder to the next higher level of skill. This path is not open to or desired by all workers, and other efforts, such as building career pathways at work via on-the-job training or specific job-related courses or certificates can help low skill workers achieve higher-skilled positions. Such strategies as these, coupled with higher minimum wages and more collective bargaining, as well as stronger equal pay enforcement efforts, may do as much to improve earnings as a focus on greater occupational integration would. As Charles and Grusky (2004) note, while occupational gender segregation has persisted, this does not mean that all men's jobs (and certainly not the jobs of men of color) are always better than women's. Many jobs done by both men and women would benefit from improvements in job quality, including in terms of pay, career progression, family and medical leave benefits, retirement benefits, and so on.

While the slowdown and stagnation in occupational integration are clear, the reasons for this stagnation are less obvious. Cotter, Hermsen and Vanneman (2011) pointed to the mid- and late-1990s as a time period when a whole group of indicators of gender equality began to stagnate, including women's labor force participation and men's contribution to household labor. They tracked a similar slowdown in change in social attitudes towards women and work and towards women's and men's roles in the home and in politics. They drew on Charles and Grusky's concept of "gender egalitarianism" to point to the coexistence of traditional social beliefs about male and female roles, for example in relation to caregiving and nurturing, and more egalitarian or feminist beliefs that women are equal to men in their right and capacity to work, earn a living, or exert political power.

England (2010, 2011) draws on Charles and Grusky's analysis of gender essentialism to examine the potential impact of traditional gender attitudes, which might act as "gender blinders" on women's and men's career choices, on intergenerational change in occupations, and on the faster rate of integration of occupations that require higher education than others. She speculates that, while there is a belief that young women should advance beyond their parents, in the context of traditional gender perceptions (gender essentialism), women will take their mothers' (rather than their fathers') career as the yardstick against which to measure their progress. For women who are the first in their families to pursue college education, this would mean following traditional careers for women such as teaching or (now) accounting. For women whose mothers are already teachers, for example, the route to advancement and higher earnings would more likely require a less traditional career for women, such as lawyer or doctor. In other words, England expects that women are likely to follow a traditional career path as long as this path allows upward progress; they will only move into nontraditional career paths if advancement along the traditional path is not possible. While England is less concerned with explaining the stagnation in trends towards occupational integration, the expansion of jobs in healthcare, education, and business services provides scope for advancement along more traditional gender lines for daughters of mothers without a college education, potentially explaining the lack of further progress in reducing sex segregation.

This analysis has been strongly criticized by Bergmann (2011) for being overly focused on white collar careers and higher levels of education and for ignoring the continued high levels of discrimination in predominantly male technical and manual occupations. Women in construction trades—and it should be remembered that while they are proportionately few, in absolute numbers almost as many women work in construction occupations as in the occupation of 'physicians and surgeons'—report high levels of discrimination. In a recent study of tradeswomen, well over a third reported that they rarely or never were treated equally to men in hiring decisions, and close to a third, that they frequently or always experienced sexual harassment (Hegewisch and O'Farrell forthcoming). Yet, whether more subtle gender essentialist notions or outright discrimination, both theories add to an understanding of why the integration of occupations has been slower in medium and lower skilled occupations.

Our analysis of the smaller wage penalty for women working in medium and low-skilled female-dominated occupations compared with higher-skilled predominantly female occupations provides an added dimension to understanding women's career decisions. Given the difficulties that may be associated with entering a nontraditional career, whether as a result of gendered beliefs of what is appropriate for women, hostile work cultures, or outright discrimination, the financial incentives for women to pursue nontraditional medium- or lower- skilled careers are

much smaller than the financial incentives to pursue nontraditional four-year college degrees such as engineering or computer programming or to pursue postgraduate training in law or medicine. Of course, pursuing a four-year degree and then postgraduate education can be expensive and also incurs opportunity costs because women could be earning more if not in school. Either way, pursuing expensive higher education or breaking down the barriers to enter traditionally male blue collar skilled jobs, like the skilled construction trades, as well as civil service jobs like police officer and firefighter, presents barriers for women to overcome. It would appear that the professional barriers are the easier ones to overcome.

Yet, sophisticated explanations focused on economic incentives or on traditional gender beliefs as the culprit in holding back gender integration perhaps underemphasize the lack of information about career paths available to young women when they enter such paths. Ma (2009) examines the role of socio-economic status and race and ethnicity in the choice of students' college majors;¹¹ she finds that women and men of lower socio-economic status and from minority households are very concerned with the economic payoff of college careers, more so than young women of higher socio-economic status (and in stark contrast to similar young men), for whom it seems more acceptable to seek traditionally female low-paying fields (such as art history or social work). Ma's research suggests that for young women from less well off families the choice of traditional female career paths may be more directly related to lack of information about the relative economic value of different careers.¹² Such lack of information is particularly costly. College degrees do not come more cheaply in female-dominated fields, and the gender wage gap together with the penalty for working in a female-dominated occupation leave women graduating in these fields with many fewer resources and lower future earnings potential than women who choose nontraditional fields. Therefore, improved information about the differences in prospective earnings in different fields at different educational levels would be especially useful to women. It is important to keep in mind, however, that if some higher-paying fields put up more resistance to women entering these fields, as seems likely, than information alone will not enable women to enter and thrive in these fields. Also when the earnings of women with higher education are compared to the earnings of those without postsecondary learning, higher education generally pays just as large a premium for women as it does for men.

The slowdown in occupational integration may also reflect a change in the emphasis on gender equality in education and workforce development policies. Support for active career counseling

¹¹ The study examines only the initial choice of majors, not completion and retention rates.

¹² In the aforementioned study of women working in the construction trades, fewer than three percent of respondents reported having learned about the possibility of a construction career either from a career counselor at school or at a One Stop shop (Hegewisch and O'Farrell forthcoming)

towards nontraditional careers, particularly in career and technical education, declined dramatically after the 1990s. During the 1980s and 1990s, until the reauthorization of the Carl D. Perkins Act in 1998, states were mandated to set aside at least 3 percent of federal funds for career and technical education (CTE) for the promotion of sex equity and to employ a full-time sex equity coordinator. From 1998 onwards there no longer were dedicated funding streams to support the coordinators or the programs. While the Perkins Act continues to include participation in nontraditional career and technical education among its performance measures, the change from funded mandates to unfunded voluntary efforts resulted in a dramatic decline in the number and size of programs designed to improve access to nontraditional careers. As we argue elsewhere (Hegewisch and O'Farrell forthcoming) the close correlation between the weakening of the federal mandate and the halt in desegregation of employment is striking. Public financial support for women's entry into career and technical occupations has clearly declined at the federal level.

At this point in the development of knowledge about sex segregation, it seems impossible to say whether the stagnation in occupational integration is due to discrimination, such as a failure of teachers, counselors, and employers to encourage females to pursue male-dominated fields as much as they encourage males to do so or hostile work environments or unequal pay and promotion opportunities that drive women away from traditionally male occupations, or simply to lack of information, or to actual gendered preferences, or to a combination of all these factors.

In conclusion, the correlation between occupational segregation and the gender wage gap suggests that just as fifty years ago, both improving career advice about nontraditional fields and tackling discrimination in nontraditional fields remain important building blocks for women's economic equality. Equally important are finding ways to raise pay in jobs traditionally held by women and improving the quality of those jobs, through such policies as increasing the minimum wage, providing paid sick days and paid family leave, assuring collective bargaining, enforcing equal pay laws (these address similar as well as identical jobs), and pursuing further comparable worth remedies that recognize that women's jobs are frequently underpaid simply because women do them.

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Paid Parental Leave in the United States

What the data tell
us about access,
usage, and
economic and
health benefits

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This paper was prepared with funding from the U.S. Department of Labor. The views expressed are those of the authors and should not be attributed to the Federal Government or the Department of Labor.

About this Paper

This paper was prepared by the Institute for Women's Policy Research (IWPR) as a part of a series of Scholars' Papers sponsored by the U.S. Department of Labor Women's Bureau in commemoration of the 50th Anniversary of American Women: Report of the President's *Commission on the Status of Women*, 1963.

Acknowledgements

The authors wish to thank IWPR's Jeffrey Hayes, Ph.D., Study Director, and Sylvia Krohn, Research Intern, for their contributions to the research in this paper, as well as Jane Walstedt and Suzanne Burnette, of the U.S. Department of Labor Women's Bureau, for their feedback on earlier drafts. IWPR also wishes to express its gratitude to experts Vicki Shabo, Director of Work and Family Programs at the National Partnership for Women and Families, Rada Dagher, Assistant Professor at the University of Maryland School of Public Health, and Helene Jorgenson, Senior Research Associate at the Center for Economic and Policy Research, who provided the authors with valuable comments and suggestions based on their respective areas of expertise. Finally, IWPR extends its appreciation to the U.S. Department of Labor for its support for this research, as well as the Ford Foundation, the Annie E. Casey Foundation, and the Rockefeller Family Fund for their support for IWPR's research on paid leave.

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The Institute for Women's Policy Research (IWPR) conducts rigorous research and disseminates its findings to address the needs of women, promote public dialogue, and strengthen families, communities, and societies. IWPR works with policymakers, scholars, and public interest groups to design, execute, and disseminate research that illuminates economic and social policy issues affecting women and their families, and to build a network of individuals and organizations that conduct and use women-oriented policy research. The Institute's work is supported by foundation grants, government grants and contracts, donations from individuals, and contributions from organizations and corporations. IWPR is a 501(c)(3) tax-exempt organization that also works in affiliation with the women's studies and public policy and public administration programs at The George Washington University.

March 2014

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Introduction

The 1963 report of the President's Commission on the Status of Women recommended that: "Paid maternity leave or comparable insurance benefits should be provided for women workers; employers, unions, and government should explore the best means of accomplishing this purpose." Fifty years later, access to paid family and medical leave of any kind, including maternity leave, is far from universal, and only a few states, and no federal law, provide a mechanism for mothers or fathers to take paid parental leave. One thing that has changed, however, is that due to shifting societal norms, attitudes, and policy knowledge, if the 1963 report were to be written today, it would surely recommend that fathers, as well as mothers, receive access to paid parental leave.

The 1993 Family and Medical Leave Act (FMLA) was an important step toward improving access to leave for new parents, providing men and women with job-protected leave for a range of caregiving purposes, including care for a newborn, care for a newly adopted child, care for a sick family member, and leave for one's own serious illness. The Family and Medical Leave Act, signed into law by President Bill Clinton, was passed after nearly a decade of advocacy. Because the law does not require that employees be paid during their leaves and does not cover companies with fewer than 50 employees, many workers have no access to leave or find it difficult to use the benefits provided by the FMLA. The United States is the only high-income country in the world that does not mandate paid maternity leave (Heymann and McNeill 2013), and only a small portion of employers provide paid parental leave to both mothers and fathers voluntarily.

A number of experts, advocates, and policymakers are calling for a federal paid family and medical leave insurance law that would allow the United States to catch up to other developed nations and to address today's workforce realities, characterized by families with two parents who work outside the home or an employed single mother. In December 2013, members of Congress introduced the FAMILY Act, which would create an insurance fund so that all workers could be paid when they stay home with their infants or newly adopted children and while caring for their own health needs or those of other family members. Such a law would bring substantial health and economic benefits to individuals, employers, and the economy. As discussed in this paper, research suggests that paid family leave increases labor market attachment, economic security, and the health and welfare of families and children, and has the potential to help businesses thrive, reduce spending on public benefits programs, and promote economic growth and competitiveness.

This paper reviews research on the benefits of paid parental leave from the perspectives of individuals, families, employers, and the economy overall. It focuses specifically on leave taken to care for a new child (i.e. maternity or paternity leave). It provides context for the discussion of paid parental leave in the United States by describing state, federal, and international laws and regulations that provide workers with access to paid leave and current efforts to expand access; summarizes research on the availability of paid leave according to existing data sources; and makes recommendations for improving data collection and analysis to more clearly describe the extent of paid family leave in the United States. The paper also suggests ways to increase equity in access to paid leave.

Family Leave Policies in the United States and around the World

Paid Parental Leave Laws Worldwide

Of 186 countries examined in Heymann and McNeill's (2013) analysis of the World Policy Analysis Centre Adult Labour Database, 96 percent provide some pay to women during maternity leave. The United States is the only high-income country, and one of only eight countries in the world (Heymann and McNeill 2013), that does not mandate paid leave for mothers of newborns. Nearly every member of the European Union (EU) provides at least 14 weeks of job-guaranteed paid maternity leave, during which workers receive at least two-thirds of their regular earnings (International Labour Organization 2010).

Eighty-one countries extend paid leave to new fathers, through paternity leave (specific to fathers), through parental leave that can be taken by either parent, or through some combination of the two (Heymann and McNeill 2013). Sixty of these countries pay fathers at least 75 percent of their wages for at least part of the leave taken, yet only 37 provide fathers with the option of taking 14 weeks or more of paid time off (Heymann and McNeill 2013). Several high-income countries also provide workers with the option to combine part of the paid parental leave entitlement with paid employment, facilitating a gradual return to work for mothers, as well as a greater take up of leave provisions by fathers (Fagan and Hebson 2006).

The Pregnancy Discrimination Act of 1978 and Maternity Leave

The Pregnancy Discrimination Act of 1978 (PDA) prohibits employers from treating a woman (an applicant or employee) unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. It forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment. Fringe benefits include paid sick days, health insurance coverage, and Temporary Disability Insurance (TDI), among those that are especially important to pregnant and childbearing women. The passage of the PDA required that employers provide the same leave to a woman related to medical conditions associated with pregnancy and childbirth as that provided to any employee with a medical condition or temporary disability, such as a broken leg or a heart attack. The PDA does not require employers to provide paid leave, but if they provide paid leave or disability benefits for some medical conditions, they must do so for conditions associated with pregnancy and childbirth as well. The passage of the PDA was a major factor in increasing the labor force participation and earnings of new mothers in that it required employers to provide paid sick leave, health insurance, and TDI benefits long denied them (previously, policies had typically excluded coverage for pregnancy and childbirth, and jobs that were typically kept available for returning workers who had temporary disabilities were not kept available for childbearing women). Many pregnant women left the labor force for childbirth and returned later, often years later prior to the passage of the PDA in 1978 (Spalter-Roth, Withers, and Gibbs 1992).

State Temporary Disability Insurance Laws

In 1946, the Federal Unemployment Tax Act was amended to permit states to use surplus funds from their unemployment insurance programs to pay for disability benefits (but not administrative costs), if they set up new temporary disability programs (U.S. Social Security Administration, Office of Retirement and Disability Policy 2012). Prior to the passage of this federal amendment, Rhode Island had passed a state law in 1942, which similarly allowed for the use of accumulated unemployment funds for disability benefits, making it the first state to institute a system of Temporary Disability Insurance (TDI). California (1946), New Jersey (1948), and New York (1949) were next, enacting their own state laws establishing TDI. Puerto Rico and Hawaii followed two decades later (in 1968 and 1969 respectively; Social Security Administration, Office of Retirement and Disability Policy 2012).

The state TDI programs, which typically pay up to about 50 to 60 percent of an employee's wage for up to 52 weeks of leave for temporary disability, including disability due to pregnancy, are funded by employee contributions, or by both employer and employee contributions, through payroll deduction (Lovell and Rahmanou 2000; National Partnership for Women and Families 2013a). Women typically take 6-10 weeks of temporary disability leave for pregnancy, though if their condition warrants longer leave, they can take the maximum available to them according to state law. Two of the states with TDI, California and Rhode Island, do not require employers to contribute; workers pay for 100 percent of TDI, and each state sets up a mechanism to administer the funds accordingly (U.S. Social Security Administration, Office of Retirement and Disability Policy 2012). The remaining TDI states require employers, in addition to employees, to make contributions to the costs of TDI benefits (U.S. Social Security Administration, Office of Retirement and Disability Policy 2012).

Since the passage of the Pregnancy Discrimination Act in 1978, all employers who provide pay for any short term disability, because they either operate in one of the TDI states or they have voluntarily chosen to provide their workers with paid disability leave, must also provide it for medical conditions related to pregnancy and childbirth. Because programs cover only the medical conditions of pregnancy and childbirth, however, fathers and adoptive parents do not have access to paid leave through TDI to care for or bond with a new child (National Partnership for Women and Families 2013a).

The Family and Medical Leave Act of 1993

In the United States, the Family and Medical Leave Act (FMLA) of 1993 allows eligible employees to take job-protected leave for a serious health condition that makes the employee unable to perform the essential functions of his or her job; the birth of a child or to care for the employee's newly born, adopted, or foster child; or to care for an immediate family member (spouse, child, or parent) with a serious health condition. Public agencies and private firms employing at least 50 workers within 75 miles are covered by the law. Employees are eligible for FMLA benefits if they work 1,250 hours in a year and have worked at least 12 months for their current employer, provided their current employer is covered. As of 2012, 59 percent of employees worked at covered firms and met all eligibility requirements for FMLA benefits (Klerman, Daley, and Pozniak 2013).

While the FMLA does not require employers to provide pay, it does require employers to provide job-protected unpaid leave for both maternity/childbirth and caregiving of the newborn or newly adopted child. The caring leave is provided to both mothers and fathers. Eligible employees, including mothers, fathers, adoptive parents, or someone else acting in loco parentis, are guaranteed:

- Up to 12 weeks of unpaid leave annually, with family members of an injured service member able to take up to 26 weeks (this leave may be taken all at once, intermittently, or for part or all of a day throughout the year);
- Continued health insurance benefits to the extent ordinarily provided by the employer; and
- Return to the same or an equivalent job (U.S. Department of Labor 2013a, 2013b).

State Initiatives to Increase Access to Parental Leave

Several U.S. states have enacted policies to provide workers with family leave benefits that are more generous than those required by the FMLA (see the Appendix for a comprehensive list). They have done so in a variety of ways, from providing more than 12 weeks of job-protected unpaid leave for new parents to instituting a program that provides partial wage replacement for eligible workers who take time to care for a new baby, an adopted child, or an ill loved one.

As discussed above, five states and Puerto Rico have established TDI programs, which provide paid leave for temporary medical disabilities, including conditions related to pregnancy and childbirth. Employees in California, Hawaii, New Jersey, New York, Rhode Island, and Puerto Rico receive at least partial wage replacement while on disability leave or on leave related to pregnancy or childbirth (which is considered a temporary medical disability under the PDA; National Partnership for Women and Families 2013a; U.S. Equal Employment Opportunity Commission n.d.).

In addition, four states have established Family Leave Insurance programs to provide wage replacement specifically to workers who take leave to bond with a new child or care for an ill family member:

- The State of California's Paid Family Leave (PFL) program, established in 2002 as an extension of California's State Disability Insurance (SDI) program, with benefits payable for family leaves that began on or after July 1, 2004, offers partial wage replacement financed entirely by employee payroll taxes. A mandatory contribution to the SDI program is deducted from an employee's wages by the employer for Disability and PFL coverage; there are no direct costs to employers (State of California 2014a). Eligible workers who take time to bond with a new biological, adopted, or foster child, or to care for a seriously ill child, spouse, parent, or domestic partner can receive up to six weeks of wage replacement benefits (State of California 2014a). This leave must be taken concurrently with the 12 weeks of unpaid FMLA leave if the individual is covered by the federal statute. An individual worker's weekly benefit amount is approximately 55 percent of his or her wage, up to a maximum of \$1,075 per week in 2014 (State of California 2014a). Unless covered by the FMLA or California's statute on pregnancy leave, the worker does not have a guarantee of a job upon completing the leave period.

- In 2009, New Jersey established Family Leave Insurance. Similar to California's program, it offers eligible workers up to six weeks of partially paid leave to bond with a newborn or newly adopted child or to provide care for a seriously ill family member (State of New Jersey 2013). In 2014, the program provided two-thirds of an employee's weekly pay up to \$595 per week; like in California, payroll deductions from employees' wages finance the entirety of New Jersey's Family Leave Insurance program (State of New Jersey 2013). Employers transfer the deductions to the Division of Temporary Disability Insurance in the Department of Labor and Work-force Development which then processes the payments (New Jersey Office of Administrative Law 2013).¹ Leave taken for family care reasons or pregnancy is taken concurrently with FMLA leave if the employee is eligible for the FMLA leave. Those not eligible for the FMLA do not have a guarantee of a job at the end of the leave period.
- Washington State passed a Family Leave Insurance Law in 2007, which would provide a full-time worker with up to \$250 per week for up to five weeks to care for a newborn or newly adopted child (Washington State Employment Security Department 2013). A funding mechanism for the program was left undecided at the time of the law's passage. Due to subsequent budgetary constraints, the State legislature has repeatedly placed the program on hold. As of September 2013, H.B. 2044 delayed the implementation of the program indefinitely pending the authorization of funding and an implementation date for the payment of benefits.²
- Signed into law on July 11, 2013, Rhode Island's Temporary Caregiver Insurance Program provides eligible claimants up to four weeks of wage replacement to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law, grandparent, or to bond with a newborn child, newly adopted child or new foster-care child, with benefits beginning January 1, 2014. The weekly benefit rate for eligible workers equals 4.62 percent of the wages paid to them in the highest earnings quarter of their base period. For claims with a Benefit Year Begin Date effective July 7, 2013, or later, \$72.00 is the minimum and \$752.00 is the maximum benefit rate, not including dependency allowance. If an eligible claimant has dependent children less than 18 years of age, the claimant may be entitled to a dependency allowance. Incapacitated children over 18 may also be counted toward the dependency allowance. The law requires the employer to provide the same or equivalent job to the worker after the period of leave (Rhode Island Department of Labor and Training 2014).

In addition to the states that have enacted programs to provide paid family leave, several other states have passed family leave laws that provide more coverage for unpaid family leave beyond what is required by the FMLA. For example, Maine's Family and Medical Leave Act provides eligible employees who work for an employer that employs 15 or more employees or any public agency with up to 10 workweeks of unpaid, job-protected leave in a two-year period (State of Maine 2013). Vermont's Parental and Family Leave Act covers employers smaller than those covered under the federal statute: employers with 10 or

¹ Employers can choose to use private family leave insurance plans that are approved by the Division of Temporary Disability Insurance. In the case of private plans, the private insurer processes benefit payments (New Jersey Office of Administrative Law 2013).

² Advocates are currently working on legislation to create a funding mechanism for the program. More information can be found here: <http://waworkandfamily.org/family-and-medical-leave-insurance/our-proposal/>.

more employees are covered under Parental and Family Leave, and employers with 15 or more employees are covered by Short-Term Family Leave (Vermont Department of Labor 2013). See the Appendix for a detailed breakdown of state laws on paid and unpaid family leave that go beyond what is required by the federal FMLA.

Current Family Leave Campaigns in the United States

Advocates and policy makers around the country are calling out for new local, state, and federal paid family leave policies; some of these campaigns have seen recent successes. In California, a recently enacted law will expand California's existing Paid Family Leave insurance program, also known as the Family Temporary Disability Insurance program, to cover leave to care for additional family members. Beginning July 1, 2014, California workers will be able to receive up to six weeks of wage replacement benefits to care for seriously ill siblings, grandparents, grandchildren, or parents-in-law (California State Senate 2013). Before S.B. 770 was signed, the Family Temporary Disability Insurance program provided for up to six weeks of wage replacement benefits to workers who took time to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption.³

On September 2, 2013, Mayor Michael Bloomberg signed the Pregnant Workers Fairness Act, which amends the city's administrative code to make it an unlawful discriminatory practice for an employer of four or more employees to refuse to provide a reasonable accommodation to the needs of an employee for her pregnancy, childbirth, or related medical condition that will allow her to perform the essential requirements of the job. Such a reasonable accommodation may include bathroom breaks, leave for a period of disability arising from childbirth; breaks to facilitate increased water intake; periodic rest for those who stand for long periods of time; and assistance with manual labor, among other practices.

Many in New York State are still working to pass a Family Leave Insurance (FLI) law that would provide partial wage replacement to workers who take leave to care for a newborn or newly adopted child or a seriously ill family member. The FLI Act has been introduced most recently in 2012, and advocates will continue to push for its passage in the 2013-2014 legislative session (A Better Balance 2013).

On the federal level, Senator Kirsten E. Gillibrand (D-NY) and Representative Rosa DeLauro (D-Conn.) introduced the Family and Medical Insurance Leave (FAMILY) Act on December 12, 2013. The act would create a national insurance program funded by equal employer and employee contributions of approximately \$1.50 a week for a median wage worker (National Partnership for Women and Families 2013b).⁴ All workers who are insured for disability insurance benefits under the Social Security Act and

³ However, while S.B. 770 gives employees the right to receive pay while taking time off from work to care for their families, it does not provide them with a guaranteed right to return to their job. The right to job-protected family care leave is provided only to workers eligible for benefits under the federal FMLA and/or the California Family Rights Act (Rossin-Slater, Ruhm, and Waldfogel 2011). Women have the right to pregnancy leave under California's Fair Employment and Housing Act (FEHA), which applies to employers of five or more employees and requires them to provide female employees with job-protected leave for pregnancy, childbirth, or a related medical condition (California Department of Fair Employment and Housing 2010).

⁴ Employers and employees would each contribute two-tenths of one percent of an employee's wages, up to a maximum of \$243 per year (National Partnership for Women and Families 2013b).

who had earned income from employment during the 12 months prior to the month in which an application for family and medical leave insurance benefits was filed would be eligible to receive family leave benefits, and the program would not be limited to employees of a specific establishment size like the FMLA. The FAMILY Act would provide up to 12 weeks (or 60 workdays) of partially paid leave for workers while they care for themselves during a serious illness, for seriously ill family members, for a newborn or newly adopted child, and for injuries or other conditions and circumstances experienced by family members who are in the military (National Partnership for Women and Families 2013b). The Act would establish within the Social Security Administration an office to be known as the Office of Paid Family and Medical Leave to issue such regulations as might be necessary to carry out the purposes of the Act, to determine eligibility for family and medical leave insurance benefits, and for other purposes.

A number of bills have been introduced in the U.S. Congress that would extend workers' access to family leave. The proposed Family and Medical Leave Inclusion Act (H.R. 1751/S. 846), introduced by Representative Carolyn B. Maloney (D-NY) and Senator Dick Durbin (D-IL) would expand the definition of family under the FMLA to allow workers to take leave to care for a same-sex spouse, domestic partner, a parent-in-law, an adult child, sibling, grandchild, or grandparent who has a serious health condition (National Partnership for Women and Families 2013c). Representative Maloney has also introduced, as of February 5, 2014, the Family and Medical Leave Enhancement Act of 2014 (H.R. 3999), which proposes to extend FMLA protection to employers with 25 or more employees and to allow eligible employees to take up to 24 hours of unpaid parental involvement and family wellness leave annually.⁵ Additionally, the proposed Part-Time Worker Bill of Rights Act (H.R. 675), introduced February 13, 2013, by Representative Janice D. Schakowsky (D-IL), would amend the FMLA to eliminate the requirement under current law that an employee have served at least 1,250 hours during the 12-month period before a leave request. The proposed Parental Bereavement Act (H.R. 515/S. 226), introduced by Representative Steve Israel (D-NY) and Senator Jon Tester (D-MT) in February 2013, would amend the FMLA to entitle an eligible employee to up to 12 workweeks of leave during any 12-month period because of the death of a son or daughter. Also in February 2013, Representative Maloney reintroduced the Federal Employees Paid Parental Leave Act (H.R. 517), a bill that would make available to federal employees, for any of the 12 weeks of unpaid leave they are entitled to under the FMLA, four administrative weeks of paid parental leave and any accumulated annual or sick leave, in connection with the birth, adoption, or fostering of a child (Miller, Helmuth, and Farabee-Siers 2009).

The Economic Benefits of Paid Family Leave

Research shows that paid leave increases the likelihood that workers will return to work after childbirth, improves employee morale, has no or positive effects on workplace productivity, reduces costs to employers through improved employee retention, and improves family incomes. Research further suggests that expanding paid leave is likely to have economy-wide benefits such as reduced government spending on public assistance and increased labor force participation, which would bring concomitant economic gains, generating a larger tax base and increased consumer spending. At least one study, cited by the U.S. Government Accountability Office (2007) finds that paid leave for fathers helps to foster

⁵ Parental involvement and family wellness leave would allow eligible employees to attend their children's or grandchildren's school activities or meet the routine family care needs, like medical or dental appointments, of their children, spouse, or grandchildren.

gender equity, both in the workplace and in the home, since it shortens leaves for mothers, increasing their job tenure and potentially their wage growth. For an additional review of the economic benefits of paid family leave, see Boushey, O’Leary, and Mitukiewicz 2013.

Improved Labor Force Attachment

The positive relationship between leave availability and labor force attachment among new mothers is well established.⁶ Joesch (1997) suggests that women in the labor force can be seen as belonging to one of two groups: the first consists of women who would leave their pre-pregnancy job if no leave were offered because the cost of working (child care and reduced household production) is higher than the cost of staying home (foregone wages). For these women, offering either unpaid or paid leave allows them time to care for their child and arrange for child care once they return to work and thus decreases the extent of work interruptions due to pregnancy and childbirth. The second group of women consists of those who would continue to work during and after pregnancy even if no leave were offered because the cost of staying home is higher than the cost of working. For this group of women, offering leave would encourage them to stay out of work longer after the birth of their child than they normally would have, thus increasing the extent of work interruptions. Joesch, using data from the National Survey of Family Growth, reflecting the years 1980 to 1988, found that women with access to paid leave are more likely to work later into their pregnancies, and that while these women are less likely to start working again within the first month after childbirth than women without paid leave, they are actually more likely than women without paid leave to start working once their child is about two months old,. Overall the study finds that women who are offered paid leave are more likely to return to the labor force in the year after they give birth than women who are not offered paid leave.⁷

Berger and Waldfogel (2004) build on this earlier work and use more recent data reflecting the years 1988 to 1996 from the National Longitudinal Survey of Youth (NLSY) to study the relationship between paid leave and pre- and post-birth employment outcomes for women. Like Joesch (1997), the authors find that, after controlling for age, education, race, marital status, and family income, women with access to leave have an increased likelihood of working prior to having their child and also increased likelihood of returning to the labor market after giving birth. Specifically, they find that women with access to leave are about 40 percent more likely to return to work at any time after giving birth than those who do not have access. The authors also find that women who have access to leave are less likely to return to work in the first 12 weeks after giving birth than women without leave, but that after 12 weeks they were 69 percent more likely to return than their counterparts without leave. This suggests that while women who have access to leave may utilize that leave period and stay at home longer than a woman without leave, they are actually more likely to return to work after their period of leave. Although the NLSY provides data on

⁶ Most studies examining leave-taking’s effects on the labor force have focused on women, since women are more likely than men to take leave after the birth of a child. Klerman et al. (2013), for example, find that women are one-third more likely than men to take leave and they take longer leaves. Gornick and Hegewisch (2008) show that the United States is falling behind other developed countries in terms of the labor force participation of college-educated women. Blau and Kahn (2013) estimate that one-third of the gap in labor force participation for all women between the United States and other OECD countries is due to a lack of family-friendly policies in the United States.

⁷ Due to the nature of the NSFG data set, it is only known if the women in the sample received any paid leave. The extent of wage replacement is unknown.

both paid and unpaid leave, the authors do not report any tests of any models examining the effects of paid versus unpaid leave and the results summarized here pertain to combined leave.

More recent research on California's paid family leave program finds similar results. Rossin-Slater, Ruhm, and Waldfogel (2011) use the Current Population Survey from 1999-2010 to analyze the impact of California's paid leave policy on leave-taking and post-birth employment. The authors find that offering paid leave increases the amount of leave that is taken. Interestingly, the effect on leave-taking is heterogeneous across groups of women. Specifically, the study finds that less-advantaged women (i.e. who have lower education levels, are unmarried, or are minorities) had a much larger spike in the amount of leave taken than their more advantaged counterparts, largely reducing the disparity in the amount of leave taken that existed previously.⁸ This is probably because before the paid leave policy was enacted, lower-income women were less able to afford to stay away from work after giving birth and returned before they would have liked. Offering paid family leave did not completely eliminate the financial worries of staying away from work after giving birth, but, with more economic support, it did give them the option of spending more time with newborns.

Rossin-Slater, Ruhm, and Waldfogel (2011) also find that paid family leave has a modest positive effect on work outcomes post-birth. The research finds that offering paid family leave increases the number of hours that a woman works after returning to work by about 2 to 3 hours per week. This also corresponds to a positive, though insignificant, increase in wage income. The authors posit that because paid family leave allows them to finance time off to care for their child, women who would otherwise have felt compelled to leave their job prior to giving birth or who could not afford to take time from work without pay are now more able to take a reasonable amount of leave.

Baum and Ruhm's 2013 working paper also addresses the labor market effects of California's paid leave program by using the National Longitudinal Survey of Youth (NLSY) to compare changes in leave taking by parents in California compared with those in other states that had not enacted paid leave programs before and after July 2004, when California's program began. Unlike the CPS, used by Rossin-Slater, Ruhm, and Waldfogel (2011), the NLSY allows the researchers to identify the exact timing of a birth and observe the amount of work before and after the birth; the NLSY also allows researchers to determine whether the parent returned to the same firm. Despite the differences in the two data sets and methods used, the findings of the effects of paid family leave are surprisingly similar in the two studies: the availability of paid leave increases use of leave in the early months for mothers, but increases their likelihood of return to work by 9 to 12 months after the birth. Increased work effort by mothers is also found in the first and second years after a birth. Baum and Ruhm also find that the availability of paid leave increases use of leave by fathers in the early weeks after childbirth. The results for paid leave increasing the likelihood of return to the same employer are not strong, but the authors suggest that further research could test the possibility that the paid leave program may encourage those pregnant women who are typically less attached to the labor force to stay on the job longer before birth in order to qualify for the benefits and then subsequently increase the likelihood that they return to the same employer.

⁸ It should be noted that income levels were not used to define the "less advantaged" groups of women.

Because paid family leave increases the likelihood that women return to work, and possibly to the same employer, employers may be able to benefit from reduced turnover and replacement costs.

Costs and Benefits to Firms

Research on existing paid leave programs suggests that paid leave leads to negligible costs to employers in terms of temporary employee replacement costs or overtime paid to existing employees and has few if any costs—and potentially gains—in terms of employee morale and productivity. Research looking at changes following the implementation of state-administered paid leave programs has been particularly informative for assessing how employers adjust to new paid leave requirements.

Trzcinski and Finn-Stevenson (1991) provide data pertaining to leave prevalence and some of firms' cost concerns by surveying a sample of 621 firms in Connecticut to examine how well firms were complying with an existing statute that required all employers to provide "reasonable leave of absence for disability resulting from pregnancy." Because firms were allowed a significant amount of discretion in the leave that they offered their employees, the Connecticut General Assembly established a task force to study the availability of leave in the private sector to determine if the statute was actually effective and whether additional protections were needed. Information was obtained on the size of the firm, the type of leave offered, and how the firms made up for the absence of the workers on leave, in addition to other variables of interest. All the firms studied employed ten or more workers. Trzcinski and Finn-Stevenson utilize data from this study to examine the prevalence of maternity leave coverage and the effects of providing coverage on the firms offering it.

In the absence of the Connecticut law, firms could either voluntarily provide leave to families with a new child, or they could simply replace the worker. Evidence from the Connecticut study shows that a number of firms spent at least six weeks searching for replacements, during which time the firm would also be without the employee on leave. For example, approximately 25 percent of firms spent more than 6 weeks to search for replacements for managers. This percentage is notably smaller for positions with fewer responsibilities, though not insubstantial—around 16 percent of firms spent at least 6 weeks to replace clerical and production workers as well. Given that leave of less than six weeks to families with newborns was quite common among firms regardless of size and employee type, it appears that in several cases it would be more costly to the firm to undergo a search for a replacement and to invest time and money training that replacement than it would be to temporarily arrange for coverage of the workers' duties while they are on leave. Studies document a substantial cost to employers of replacing employees, though the costs vary widely depending on the employee category being studied. Hinkin and Tracey (2006) find that among hotels, for example, the cost of replacing a worker can vary based on many factors, including job complexity. They estimate the cost of replacing a worker to be anywhere between \$2,000 and \$14,000, though most replacement costs tended to be between \$4,000 and \$9,000.⁹ In a broader study of employers in a variety of industries, Dube, Freeman, and Reich (2010) examine data from the California Establishment Survey to determine the size of replacement costs of various employee types and some factors that determine them. They, like Hinkin and Tracey, find that replacement costs vary by type of employee with an average replacement cost of \$4,039 per worker overall with a substantial standard deviation of \$9,800.

⁹ At the then current minimum wage, \$2,000 represented almost ten weeks of full-time work.

Hiring temporary replacement workers or paying existing workers overtime could result in costs to business, but several research studies, spanning decades, suggest that firms utilize these strategies less often than might be expected. Trzcinski and Finn-Stevenson (1991) find that few firms hired replacement workers. Most simply did without. In fact, the job category that had the highest utilization of temporary workers was clerical work, at only a 43.1 percent replacement rate. Overtime was used even less often to replace workers on leave. Anywhere between 67 and 96 percent of employers did not use overtime to cover for employees in various job categories on leave. Finally, fewer than 15 percent of firms reported any additional costs attributable to leaves of six weeks or longer (aside from hiring temps or offering overtime), such as losses in productivity. The study also finds that in firms of all sizes, very few workers were on leave at a given point in time, with fewer than 3 percent of workers at any firm on maternity/family leave at the time of the survey.¹⁰

The most recent FMLA surveys also find that employers do not typically replace workers on leave for family care purposes. In 2012, the vast majority (64.5 percent) of all employers temporarily reassigned other employees to cover for workers on family leave, while 3.2 percent hired temporary replacements (Klerman, Daley and Pozniak 2013). In their recent study of California's paid family leave program, Appelbaum and Milkman (2011) also conclude that very few firms incurred additional costs related to replacing workers on leave because they simply passed the work on to other workers temporarily.

After California passed the first state-administered paid family leave program in the country, Appelbaum and Milkman (2011) evaluated how well the program is working and estimate its effects on both firms and employees. Like Trzcinski and Finn-Stevenson (1991), the authors find very minimal cost impact on firms.

One of the primary findings of Appelbaum's and Milkman's study is that 89 percent of employers reported a "positive effect" or "no noticeable effect" on productivity and 99 percent of employers reported an increase in employee morale. Another key finding is that the majority of firms coordinated their own benefits with the program. When asked if the paid family leave program had caused costs to increase, 87 percent of respondents indicated that it had not and 8.8 percent of firms reported that it had even resulted in cost savings because employees were able to use the paid family leave (financed by worker payroll taxes) instead of employer-provided benefits such as paid sick leave and vacation days. Because 60 percent of employers report they coordinated their benefits, the authors surmise that the actual share of employers experiencing cost savings is much higher than 8.8 percent (Appelbaum and Milkman 2011). It is, of course, possible that employers paid higher wages to compensate workers for their payroll deductions (see Jonathan Gruber's 2000 study of cost shifting in the case of Chile's payroll tax, for an example).

According to the available evidence, it appears that firms incur few costs in addition to replacing pay (when paid leave is provided by the employer) and instead experience some substantial benefits. Finally,

¹⁰ Overall, the study found that many firms offered no leave and most others short leaves, and the legislature passed the Connecticut Family and Medical Leave Act after receiving the results of Trzcinski and Finn-Stevenson's research.

businesses can benefit because paid leave increases the probability of a mother returning to work and shortens her length of leave, as noted in the previous section.

Contributions of Paid Leave Policies to Economic Growth

Paid family leave may also affect economic growth in various ways, such as through increased labor force participation, increased fertility rates, and reduced spending on public assistance. Higher labor force participation, either by men or women (or both), affects growth by increasing inputs to production. More labor typically results in higher levels of output as long as the capital stock can expand to accommodate it. Since the effect of paid leave on labor force participation rates is typically much higher for women than men, offering paid leave can help push the economy towards gender equality in labor force participation. This equality has obvious implications for economic growth. Aguirre, Hoteit, Rupp, and Sabbagh (2012) find, for example, that increasing women's labor force participation rates to equal that of their male counterparts would increase GDP substantially in many countries. In the United States, GDP could be increased by 5 percent, but in other countries this percentage can be more than 30 percent.¹¹

Ruhm (1998), using data from nine European countries across the years 1969-1993, elaborates more on the labor force effects of parental leave mandates. He posits that when leave is made available more workers who are likely to take leave will choose to be in the labor market relative to those who would not take leave. Requiring employers to provide leave for families with new children may also decrease the demand for these workers, presumably because firms view providing these leaves as an additional cost. He also surmises that since leave benefits are often paid by the government in most European countries, the increase in supply is likely much larger than the reduction in demand. If this is true, the impact of parental leave policies should be to increase overall employment levels. Indeed, the author finds that parental leave policies are associated with higher employment to population ratios (by about three to four percentage points) as well as decreased unemployment.¹²

Leave may contribute to increased productivity by reducing turnover, increasing the length of time workers stay at firms or in the labor market, thus helping workers accumulate increased human capital, which enhances their productivity at work. A study of OECD countries shows that family leave, especially when paid, can have a positive impact on productivity. Every one-week increase in available family leave is associated with an increase in aggregate labor productivity and multifactor productivity (Bassanini and Venn 2008). While both paid and unpaid leave are shown to increase productivity, paid

¹¹ The authors recognize that when the labor force participation of women first increases there may be initial drags on GDP growth, such as reduced productivity as women new to the labor market learn the skills necessary to complete their jobs effectively and reduced hours when women initially begin to work part time. The estimates of the effects on GDP growth are net of these initial adverse effects.

¹² There is a worry, however, that both the demand and supply shifts should unambiguously lower wages. Though Ruhm's findings do show some evidence of an overall wage decrease, he finds that only longer leaves of 30 weeks correspond to sizable decreases in wages (an approximate 3 percent reduction in wages for longer leaves, versus only about a 1 percent decrease in wages for short leaves of 10 weeks). While the decline in relative wages may seem like a negative side effect, it must be noted that parental leave has a value to those families who take advantage of it. As long as the value of parental leave to families exceeds the costs to firms of providing this leave, the overall effect on the general welfare is positive. Baum and Ruhm (2013) also note a possible opposite effect, that "[p]arental leave rights could increase aggregate employment and wage levels because they preserve employer-employee relationships."

leave has a larger effect; unpaid leave is only linked to higher productivity when paid maternity leave is short or not available (Bassanini and Venn 2008). Based on these results, the authors estimate that the United States would see an increase in multifactor productivity of approximately 1.1 percent over time if it were to institute paid maternity leave at the average OECD level of 15 weeks (Bassanini and Venn 2008).

For countries with rapidly aging workforces, which includes many of those that experienced a significant baby boom after World War II, this increase in women's labor force participation brought about by family-friendly labor market policies, including paid family leave, can be helpful to boosting growth by mitigating the effects of a shrinking workforce (Elborgh-Woytek et al. 2013). In the United States, the labor force participation rates of both men and women have declined in the Great Recession and its aftermath; it is estimated that about half this decline is due to the aging workforce (Congressional Budget Office 2014).

Another effect of family-friendly policies is that they encourage women to have more children. Rovny (2011) studies the effects of increases in parental benefits and child care spending on fertility rates in 17 different OECD countries over the years 1990-99. She finds that countries with more generous family policies tend to have higher fertility rates. In the long run, higher fertility rates will lead to larger pools of working-age citizens contributing to economic growth.¹³

In addition, paid parental leave has the potential to reduce government spending through a reduction in spending on public assistance benefits for newborns and their families. When paid leave is not accessible to new parents, some may rely on public assistance to supplement the incomes they lose while not at work, or, if they leave their jobs, until they find new employment after their child's birth. Studies of unpaid FMLA leave indicate that nearly one-tenth of eligible and covered workers receiving partial or no pay went on some form of public assistance while on leave (Klerman, Daley, and Pozniak 2013). A study by Houser and Vartanian (2012), utilizing data from the National Longitudinal Survey of Youth, 1997-2009, finds that paid family leave reduces the likelihood of receiving public assistance in the year after the birth of a child, and that employees who are offered paid family leave are 39 percent less likely to receive assistance than women who keep working and have no leave at all. They also find that for families who do receive public assistance in the year after birth, new mothers who were offered paid leave report \$413 less in public assistance than those mothers who were not offered paid leave. Thus, implementing paid leave programs appears to reduce the need for public assistance, which can also free up government spending to invest in other activities supportive of economic growth.

The Health and Socio-Emotional Benefits of Family Leave

Family leave, both paid and unpaid, has been shown to have significant benefits for the health of individual family members and for the well-being of the family overall. The length of leave taken, whether or not that leave is paid, and the proportion of income replaced during paid leave all affect the magnitude of the benefits of family leave.

¹³ It should be noted that all the countries in the Rovney study have fertility rates that are below the replacement level and are therefore likely not concerned that family-friendly policies may lead to very high levels of population growth.

Family Leave and Child Health

The resources and supports available to infants can have critical and sometimes lasting effects on their health and well-being. In the early years of life, children experience rapid rates of brain and nervous system development (Shonkoff and Phillips 2000) and form important social bonds with their caregivers (Schor 2001). Research suggests that access to maternity leave can affect breastfeeding rates and duration, reduce the risk of infant mortality, and increase the likelihood of infants receiving well-baby care and vaccinations.

Increases the Initiation and Length of Breastfeeding

Maternity leave may benefit children's health through increased rates and duration of breastfeeding. Women are more likely to breastfeed when they take maternity leave, and longer leaves increase both the likelihood and duration of breastfeeding (Berger, Hill, and Waldfogel 2005; Chuang et al. 2010; Lindberg 1996; Staehelin, Berteau, and Stutz 2007). In fact, multiple studies show that early return to work after childbirth increases the probability of early cessation of breastfeeding in the period following childbirth (Guendelman et al. 2009; Hawkins et al. 2007; Visness and Kennedy, 1997).

Breastfeeding can increase bonding between the child and nursing mother, stimulate positive neurological and psycho-social development, and strengthen a child's immune system (U.S. Department of Health and Human Services 2000). It has also been shown to reduce the risk of health problems like diarrheal disease, respiratory illnesses, asthma, acute ear infection, obesity, Type 2 diabetes, leukemia, and sudden infant death syndrome (Ip et al. 2007; U.S. Department of Health and Human Services 2011).

The American Academy of Pediatrics (2012) and the World Health Organization (2013) recommend exclusive breastfeeding for up to six months of age with continuation in conjunction with complementary foods for at least 12 months, if not longer.

Appelbaum and Milkman's (2011) study of California's Paid Family Leave program finds that mothers who took advantage of this paid leave program breastfed for twice as long as those who did not take leave. Using data from the National Longitudinal Study of Children and Youth, Baker and Milligan (2008) measured the effects of Canada's policy change in 2000, which increased job-protected, paid maternity leave from approximately 6 to 12 months. The authors find that women who took paid maternity leave after the reform breastfed longer and were more likely to breastfeed exclusively for the recommended 6 months.

Decreases Morbidity and Mortality

Analysis of comparative international data finds that paid family leave is associated with lower rates of mortality for infants and young children. Heymann, Raub, and Earle (2011), examining national paid maternity leave policies in 141 countries, find that, after controlling for overall resources to meet basic needs (i.e. per capita GDP, government health expenditures, health care provision, and female literacy), 10 paid full-time equivalent weeks of maternity leave were associated with a 9 to 10 percent reduction in neonatal mortality, infant mortality, and under-5 mortality rates. Other studies looking at multi-country

data have affirmed this, finding that while paid leave is significantly associated with a decline in infant mortality, leave that is neither paid nor job-protected has no effect at all (Ruhm 2000; Tanaka 2005).

Increases Well-Baby Care and Vaccination Rates

Children whose mothers take time from work after childbirth are more likely to receive well-baby checkups in the first years of life, suggesting that leaves taken for 12 weeks or longer could be instrumental in promoting child health (Berger, Hill, and Waldfogel 2005).

Longer maternity leave can also help give parents the time they need to make sure their children are properly immunized. Berger, Hill, and Waldfogel (2005) find that, when mothers stay home with an infant for at least 12 weeks after giving birth, their children have a greater likelihood of receiving all the recommended vaccinations. One study by Daku, Raub, and Heymann (2012) compares the current state of maternity leave in 185 countries to vaccination schedules to assess the impact of differential paid maternity leave policies on vaccination rates. The study finds that, after controlling for per capita GDP, health care expenditures, and societal factors, each 10 percent increase in the duration of full-time equivalent paid leave results in increased rates of vaccinations. For example, children are 25.3 percent and 22.2 percent more likely to get their measles and polio vaccines, respectively, when mothers have access to full-time equivalent paid maternity leave; without full-time equivalent pay, however, the duration of paid maternity leave is found to have no significant association with early immunizations and a relatively negligible association with those administered months after birth.

The Effects of Family Leave on Maternal Psychological Health

A mother's emotional well-being and mental health can play an important role in the quality of care she is able to provide to her infant. An appropriate duration of maternity leave can help prevent maternal depression and stress. One study, examining a sample of 3,350 adult respondents to the nationally representative Early Childhood Longitudinal Study – Birth Cohort, demonstrates that women who take a longer maternity leave (i.e. longer than 12 weeks of total leave) report fewer depressive symptoms, a reduction in severe depression, and, when the leave is paid, an improvement in overall and mental health (Chatterji and Markowitz 2012).

Another study, using data from the National Institute of Child Health and Human Development Study on Early Child Care finds that, compared with mothers who waited at least 12 weeks before going back to work after childbirth, returning to work sooner (less than 12 weeks) is linked to greater levels of depressive symptoms, stress, and self-reported poor health (Chatterji, Markowitz, and Brooks-Gunn 2011).

Finally, a prospective cohort study that followed a sample of 817 Minnesota employed mothers during the first year after childbirth shows that the longer the duration of leave from work that a woman takes after giving birth -- up to six months -- the lower are her postpartum depression scores on the Edinburgh Postnatal Depression Scale (Dagher, McGovern, and Dowd 2013). Moreover, this study finds that the total length of paid leave provided by employer policy predicts women's leave duration after childbirth, consistent with the findings of other studies (Hofferth and Curtin 2006; McGovern et al. 2000).

Reduced Maternal Risk of Disease through Higher Breastfeeding Rates

By increasing the likelihood of breastfeeding initiation and duration, maternity leave may have multiple health benefits for mothers. While no direct causal links have been demonstrated, studies have suggested an association between the duration of breastfeeding and a reduction in a woman's risk for breast cancer (especially in women with a family history of the disease) and ovarian cancer (Beral et al. 2002; Ip et al. 2007; Stuebe et al. 2009) and rheumatoid arthritis (Karlson et al. 2004). Also, in a large, prospective, longitudinal study using data from two cohorts of the Nurses' Health Study, Stuebe et al. (2005) find that breastfeeding for a longer duration may lower the risk of Type 2 diabetes in young and middle-aged mothers.

Greater Paternal Engagement in Caregiving

Although men are less likely than women to take paid or unpaid parental leave (Klerman, Daley, and Pozniak 2013), fathers who take time from work around childbirth are more likely to spend more time with their children in the months following their children's birth (Huerta et al. 2013), which could reduce stress on the family and contribute to father-infant bonding. Studies have found that fathers who take at least two weeks of leave carry out more child care activities during the first few months of their children's lives than fathers who do not take leave (Huerta et al. 2013; Nepomnyaschy and Waldfogel 2007).

Huerta et al. (2013), in a study of paternity leave and its effect on paternal involvement and child outcomes in the United States, the United Kingdom, Denmark, and Australia, find that paternity leave of 10 days or more is positively associated with fathers' involvement with children and child care-related activities like helping their child with eating or helping their child go to bed. In the United States, paternity leaves of two weeks or more predict fathers' more regular involvement with child care activities compared with men who took no leave at all (Huerta et al. 2013). In limited cases, shorter leaves (less than 10 days) significantly predict fathers' involvement with some child care activities (e.g. in Australia, fathers who took leaves of 10 days or less were more likely to help their children go to bed), but overall, the relationship between shorter leaves and involvement with child care activities is not significant (Huerta et al. 2013).

Assessing U.S. Data on Paid Parental Leave Coverage

Data Sets

Several federal data sources provide information on the provision and use of paid and unpaid leave for parental and/or other caregiving reasons, including the National Compensation Survey (NCS), the Survey of Income and Program Participation (SIPP), the American Time Use Survey (special supplement; ATUS), the 2012 Family and Medical Leave (FMLA) Survey, and the Current Population Survey (CPS), Figure 1 provides a detailed comparison of these sources, which differ in a number of ways, such as how

Figure 1. Paid Parental/Family Leave Access and Usage Statistics from Five Key Federal Data Sources¹⁴

	NCS March 2013 Bureau of Labor Statistics, Department of Labor	2011 ATUS Leave Module (Links to CPS)	SIPP Fertility Topical Module 2006-2008 Panel, Wave 2 Census Bureau	2012 FMLA Worksite and Employee Surveys Abt Associates¹⁵	CPS 1994 - current Census Bureau
Employer or employee survey	Employer	Employee	Employee	Both employer and employee surveys ¹⁶	Employee
Sample	11,893 worksites	6,673 respondents to Leave Module of 12,479 total ATUS respondents in 2011	3,363 women who worked during pregnancy of 5,127 total women with a first birth between 1991 and 2009	1,812 worksites 2,852 workers	50,000-60,000 households each month
Unpaid parental/ family leave coverage	87% of workers overall have access to unpaid family leave	Published results do not provide rates of reported access to unpaid family leave coverage or usage	Not available; only collects data on usage	17 percent of worksites reported FMLA coverage (30 percent were not sure) and Abt estimates 35 percent had 50 employees or more within 75 miles of one another. 59 percent of current employees work in covered firms and meet tenure and total hours requirements.	Not available; only collects data on usage

¹⁴ The focus here is on recent surveys of the workforce. There are other data sources for various groups of workers, such as the National Longitudinal Studies of Youth (NLSY), that may collect work histories and ask if employment breaks were taken for childbearing and whether or not they were paid, for the particular groups they survey.

¹⁵ The FMLA surveys were commissioned by the U.S. Department of Labor but conducted by Abt Associates.

¹⁶ The worksite survey included only private employers while the worker survey included both private and public employees.

Percent with paid parental/family leave coverage	12% of workers have access to paid family leave	39% of workers report access to paid leave for reasons related to the birth or adoption of a child¹⁷	Not available; only collects data on usage	35% of worksites offer paid maternity leave to all or most of their employees 20% of worksites offer paid paternity leave to all or most of their employees	Not available; only collects data on usage
Paid or unpaid parental/family leave usage	Not available; only collects data on coverage	1.7% of workers took leave (paid or unpaid) for birth or adoption during an average week¹⁸	50.8% of working mothers used paid leave of some kind before or after childbirth 40.7% used paid maternity leave specifically 42.4% of working mothers used unpaid leave of some kind before or after childbirth	21.9% of employees who took leave for FMLA purposes in the past 12 months took it for a reason related to a new child (including paid and unpaid leave). - Among these workers who needed parental leave (in the past 12 months), 56.0% received pay from any source (56.9% of women and 55.0% of men); 8.1% of men and 15.0% of women with a new baby received paid parental leave specifically.¹⁹	0.7% of 16- to 44-year-old female employees took (paid or unpaid) parental leave per year, on average since 1994 45% of 16- to 44-year-old female workers who took parental leave (maternity) received some pay, on average since 1994
Reasons for parental/family leave included in statistics	To care for a newborn child, a newly adopted child, sick child, or sick adult relative	Reasons related to the birth or adoption of a child	Reasons related to the birth of a child	Pregnancy and related illness, pregnancy/maternity leave, miscarriage, caring	Self-reported maternity leave or paternity leave

¹⁷ Unpublished IWPR calculations based on the 2011 ATUS microdata.

¹⁸ Published results do not differentiate between rates of paid versus unpaid leave usage for the birth or adoption of a child.

¹⁹ Unpublished IWPR calculations based on 2012 FMLA microdata.

listed above				for newborn/newly adopted child/new foster child, and bonding with a newborn/newly adopted child	
Sources of pay included in paid parental/family leave statistics listed above	Maternity leave and paternity leave, and paid leave to care for other family members, excluding any sick leave, vacation, personal leave, or short-term disability leave that can be also be used for those reasons	Sources of pay for those with access to leave not specified.	Maternity, sick, vacation, and other types of paid leave used for maternity purposes (not including disability pay)	Parental leave (including maternity and paternity leave, but not including sick, vacation, paid time off, or other types of leave that can be used for parental reasons)	Sources of pay not specified other than that the pay came from employer
Includes length of parental/family leave	No	No	Provides cumulative percentages of women working after 3, 6, and 12 months after childbirth	Provides a breakdown of the length of leave taken for maternity leave and for paternity leave	No
Past surveys	Conducted annually since 1997, previously called the Employee Benefits Survey (EBS)	Fielded for the first time in 2011	2.5-4 year panels since 1984	Surveys also conducted in 1995 and 2000	Question on family leave has been included every year since 1994
Sources	U.S. Department of Labor 2013c, 2013d	U.S. Department of Labor 2012a; U.S. Department of Labor 2012b	Laughlin 2011	Klerman, Daley, and Pozniak 2013	Boushey, Farrell, and Schmitt 2013; U.S. Department of Labor 2003

they define "parental leave," whether they gather information on paid or unpaid leave or both, or on coverage or usage or both, or from employers or employees. The variations in methodology for collecting data lead to disparate estimates of family leave coverage and usage, providing a confusing and incomplete picture of how family leave is provided and used in the United States.

National Compensation Survey

The U.S. Department of Labor's Bureau of Labor Statistics conducts the National Compensation Survey (NCS), an employer-based survey that examines, among other types of compensation, availability of employee benefits. The most recent NCS, fielded in March of 2013, sampled 11,893 establishments and gathered data about a total of 125 million workers, with 106 million of those working in private industry and 19 million working for state and local governments (U.S. Department of Labor 2013c). The survey includes questions on the provision of paid and unpaid time off, including paid and unpaid family leave. For the purposes of the NCS, 'paid family leave' includes paid maternity and paternity leave, as well as paid leave available to care for a sick family member (Van Giezen 2013). The NCS definition of 'paid family leave,' however, does not include short-term disability leave, vacation, personal leave, or paid sick leave. The NCS includes only leave that is paid with a direct contribution from the employer; so workers who may receive paid leave through state temporary disability insurance or through programs of paid family leave in California, New Jersey, or Rhode Island, which are exclusively funded through employee contributions, will not be counted as receiving access to paid leave in the NCS survey.

The NCS data indicate that, for all workers, only 12 percent have the option to take employer-paid family leave as of 2013, while unpaid family leave is available to 87 percent of workers (some workers may have access to both paid and unpaid family leave; U.S. Department of Labor 2013c). The survey results provide a breakdown of employer-paid and unpaid family leave provision according to worker characteristics (such as time worked), wage level, establishment characteristics (industry and size), and geographic area.

The NCS data show that access to paid family leave is very inequitable, with the lowest wage earners being much less likely than higher earners to receive paid family leave. Employees in the highest-paid 10 percent of the workforce are more than four times as likely to have employer-provided paid family leave as those in the lowest-paid 25 percent of the workforce, although even for the highest-paid, access to paid family leave is by no means common (U.S. Department of Labor 2013c). Only five percent of workers in the lowest 25 percent wage category have access to paid family leave compared with 22 percent of workers in the highest 10 percent wage category (U.S. Department of Labor 2013c). Between 23 and 25 percent of management, business, and financial workers, registered nurses, and hospital workers have access to paid family leave (U.S. Department of Labor 2013c). Only 5 percent of part-time workers have access to paid family leave. According to the survey, unpaid family leave is available to 77 percent of part-time workers and to 75 percent of workers in the lowest ten percent of wage earners (U.S. Department of Labor 2013c).

American Time Use Survey Leave Module

In 2011, the Women's Bureau of the U.S. Department of Labor sponsored a supplemental Leave Module of the American Time Use Survey (ATUS) that collected data on wage and salary workers' access to

leave, use of leave, and ability to adjust their work schedules or location (U.S. Department of Labor 2012a). The ATUS is an annual survey conducted by the U.S. Census Bureau for the Bureau of Labor Statistics that collects detailed information on how workers use their time at work and outside of work. The ATUS surveys individual wage and salary workers over the age of 15, and its results on access to paid or unpaid leave were based on the respondents' knowledge of their access to such leave.

The ATUS Leave Module included questions about access to and reasons for taking leave, including family and medical leave, as well as leave for vacations, errands/personal reasons, and child care. Respondents were also asked whether available leave is paid or unpaid, and the reasons for which they could take that leave. Respondents were asked if they had taken advantage of leave policies in the past week, and if so, what type they used, how long they took leave, and for what purpose (U.S. Department of Labor 2012a).

In 2011, about half of all ATUS survey respondents were employed and participated in the Leave Module (6,673 responses to Leave Module of 12,479 total ATUS respondents in 2011; U.S. Department of Labor 2012a). A little more than nine percent of respondents reported having taken leave in the previous week for any of the family reasons covered in the survey. Notably, while the ATUS does report the percentage of workers who took leave for family-related reasons during an average week, the Bureau of Labor Statistics does not publish the rates of access to family leave according to type, i.e. rates of access to paid versus unpaid, vacation, or sick leave taken for family reasons (though these results can be found in the microdata).

Unpublished IWPR calculations based on the 2011 ATUS Leave Module microdata file show that 39 percent of workers reported access to paid leave for the birth or adoption of a child, and 43 percent had access to paid leave for family illness. A Center for American Progress (CAP) analysis of the ATUS data shows that mothers were slightly more likely than women without children to have access to paid parental leave (55 percent compared with 53 percent), as were fathers, compared with men without children (53 percent compared with 48 percent; Glynn 2012).

Overall, in any given week, the percent of respondents who reported leave for the adoption or birth of a child was very low. Among individuals who took leave from work during an average week, 1.7 percent took it for the birth or adoption of a child, 2.3 percent took leave for child care or elder care purposes (other than caring for a family member who is sick or requires medical care) and 5.6 percent took leave to provide care to a sick family member (U.S. Department of Labor 2012a). In contrast, people were much more likely to take leave for reasons unrelated to family care: 21.9 percent of all respondents reported taking leave for personal illness or medical care, 29.5 percent took it for vacation, and 16.5 percent took it for personal reasons or errands (U.S. Department of Labor 2012a).

Women were much more likely than men to take paid or unpaid leave for reasons related to birth or adoption: 3.2 percent of women, compared with only 0.1 percent of men, took leave to care for a new child during an average week (U.S. Department of Labor 2012a). Yet men were slightly more likely than women to take leave for the purpose of caring for children or elderly family members (other than for illness), with 2.6 percent of men reporting taking leave for these reasons compared with 1.9 percent of women (U.S. Department of Labor 2012a). Individuals working full-time were more than five times as

likely as those working part-time to take paid or unpaid leave for birth or adoption (2.2 percent of full-time workers compared with 0.4 percent of part-time workers); and the highest-paid workers, as well as those working at private, not-for-profit organizations, were also more likely than lower-paid workers to have taken maternity/paternity or adoption leave (3.8 percent of the highest paid workers making \$1,231 or more per week, compared with 1.5 percent of those making between \$831, and \$1,231; 1.5 percent of those making between \$541 and \$830 per week; and 5 percent of private, not-for-profit workers compared with other private sector workers or those working in the public sector; U.S. Department of Labor 2012a).²⁰

Some differences along racial/ethnic lines were observable in reports of leave taking during an average week. For example, 2.7 percent of Black workers reported taking leave for the birth or adoption of a child in an average week compared with 1.4 percent of Whites, while only 0.9 percent of Hispanic workers took leave for this reason, compared with 1.7 percent of non-Hispanic workers (U.S. Department of Labor 2012a). The CAP analysis of the 2011 ATUS data shows that this disparity persisted in working parents' overall access to parental leave: only 27.5 percent of Hispanic parents reported having access to parental leave with some pay compared with 60 percent of White working parents, 59 percent of Black working parents, and 54 percent of Asian American working parents (Glynn 2012). Hispanic workers, however, were more than three times as likely to take leave for the care of children or elderly family members (other than for illness) during an average week than their non-Hispanic counterparts (6.2 percent compared with 1.9 percent, respectively). In contrast, 2.4 percent of White workers reported taking leave for family care (other than for illness) compared with only 1.0 percent of Black workers (U.S. Department of Labor 2012a).

Fifty-six percent of wage and salary workers were able to adjust their work schedules or the location of their main job instead of taking time off from work in 2011 (U.S. Department of Labor 2012a). This included wage and salary workers who adjusted their work schedules or location instead of taking leave, as well as those who did so because they did not have access to leave but needed time off from work. Parents of a household child under the age of 13 were more likely to adjust their work schedules or location instead of taking time off from work in an average week than workers who were not a parent of a household child under the age of 18: 10 percent compared with 6 percent (U.S. Department of Labor 2012a).

Survey of Income and Program Participation

The Survey of Income and Program Participation (SIPP) is a nationally representative household panel survey that provides detailed information on income, labor force participation, federal assistance program participation and eligibility data, and general demographic characteristics (U.S. Census Bureau 2006).²¹ In addition to the core items of the survey, SIPP panels include topical modules, including a fertility

²⁰ The highest-paid workers are those who earn upwards of \$1,231 per week, placing them in the top 25 percent of earners overall.

²¹ In February 2014, the Census Bureau began interviewing a new SIPP panel with a re-engineered survey designed to reduce data collection costs and respondent burden. One aspect of the new instrument is to move selected questions from some topical modules into the core questionnaire and eliminate the remainder. The status of these questions in future SIPP data is unclear; information on the re-engineered SIPP is incomplete on the Census Bureau website at the time of writing.

topical module with questions on employment and leave before, during, and 12 weeks after childbirth (Laughlin 2011). For the 2006-2008 survey, the leave questions were posed to women who worked during pregnancy and whose first child was born between 1991 and the survey date, for a total sample of 3,363 women (Laughlin 2011). A report summarizing the findings compares these data with findings from the 1984, 1985, 1996, and 2001 panels (Laughlin 2011).²²

From 1981 to 2008, there was an increase in the proportion of working women who reported taking paid leave before or after childbirth (including maternity, disability, sick, vacation, or some other type paid of leave; Laughlin 2011). In the 2006-2008 panel, 50.8 percent of women who worked before a first-time birth reported taking some kind of leave with pay before or after the birth (including sick leave, vacation leave, or maternity leave), and 42.4 percent received leave without pay, with a portion of women using both paid and unpaid leave. The survey found that 41 percent received paid maternity leave specifically (rather than some other type of leave or a combination of paid and unpaid leave) before or after giving birth, while 36 percent received unpaid maternity leave (Laughlin 2011). 9.5 percent received disability leave before or after birth, but the report does not specify whether this leave was paid or unpaid.

As found in other surveys, access to paid leave differs tremendously according to socio-economic characteristics. Sixty-six percent of women with at least a Bachelor's degree had access to some form of paid leave (such as maternity, sick, vacation or some other type of leave) before or after childbirth, compared with only 19 percent of those who did not finish high school (Laughlin 2011). In addition, 56 percent of women working full-time received paid leave, compared with only 21 percent of women working part-time (Laughlin 2011). Part-time working mothers were slightly more likely than mothers working full-time to take unpaid leave, with 46 percent of part-time mothers taking unpaid leave before or after childbirth compared with 42 percent of mothers working full-time (Laughlin 2011).

Family and Medical Leave Act Surveys

The 2012 Family and Medical Leave Act Surveys, conducted by Abt Associates through a contract with the U.S. Department of Labor, assessed employers' and employees' experience with the Family and Medical Leave Act. The FMLA surveys include extensive information on leaves taken by workers and the benefits or problems of administration for employers. The 2012 survey updated previous surveys from 1995 and 2000 and included questions regarding paid leave for the range of conditions covered under the FMLA. The survey had two parts: one that sampled 1,812 FMLA-covered and uncovered worksites and one that sampled 2,852 FMLA-covered or uncovered employees; respondents who had experienced a qualifying event (such as childbirth or illness) were asked additional questions about whether or how their leave needs were met (Daley et al 2013).²³

²² Starting in 1996, the SIPP made a distinction between maternity leave specifically and disability leave used for maternity purposes; before that year, women may have included disability leave in their answers regarding paid or unpaid maternity leave (Laughlin 2011).

²³ For private employers to be covered by the FMLA, they must employ 50 or more people who worked during at least 20 calendar weeks in the current or preceding calendar year. For employees to be eligible they must work for a covered employer at a worksite with at least 50 employees within 75 miles and (i) have 12 months of tenure with this firm and (ii) have worked at least 1,250 hours for the employer during the 12-month period immediately preceding the leave (about 24 hours per week; Office of the Assistant Secretary for Policy 2009).

The FMLA employee survey found that 59 percent of employees met all eligibility requirements for FMLA benefits, while the FMLA worksite survey found that 17 percent of all worksites reported being covered by the FMLA and 30 percent were unsure. The worksite survey found that 35 percent of covered and uncovered worksites offered paid maternity leave and 20 percent provided paid paternity leave to all or most of their employees (Klerman, Daley, and Pozniak 2013).

The employee survey found that, regardless of FMLA eligibility, 13 percent of employees had actually taken leave for a FMLA-covered reason in the past year. Almost 65 percent of all employees taking leave in the previous 12 months reported receiving either full or partial pay during leave; rates of fully- paid leave, however, were 20 percentage points lower when leave lasted longer than 10 days (60 percent versus 40 percent). Twenty-two percent of employees who had taken leave did so to care for a new child (including a newborn, an adopted child, or a foster child; Klerman, Daley, and Pozniak 2013).

Among employees with a need for leave in connection with the arrival of a new child in the past 12 months, 56.0 percent received pay from any source, 56.9 percent for women and 55.0 percent for men; of all those who had a new child, only 8.1 percent of men and 15.0 percent of women received specific parental leave²⁴ (Institute for Women's Policy Research 2014).

The length of leave taken for parental reasons varied considerably between women and men. Seventy percent of men took parental leave for ten days or less, compared with less than a quarter of women (23 percent); 38 percent of women took leave for 60 days or more, compared with only 6 percent of men (Klerman, Daley, and Pozniak 2013).

The FMLA employee survey also explored the experiences of workers who had an unmet need for leave for FMLA reasons, meaning they experienced some kind of FMLA-qualifying event but could not or chose not to take leave for some reason.²⁵ Overall, 4.6 percent of respondents reported having had an unmet need for family or medical leave in the last 12 months (Klerman, Daley, and Pozniak 2013). Unmet need for leave to care for or bond with a new child was 2.3 percent of all women with a new child event compared with 6.5 percent of all men with a new child event (IWPR 2014).

Unmet need for leave was greater among women, unmarried workers, workers of color, and low-wage workers than among their respective counterparts. Women had nearly twice the rate of unmet need for leave as men (6.1 percent compared with 3.2 percent, respectively); 5.8 percent of unmarried workers had unmet need compared with 3.7 percent of married workers; 6.7 percent of workers of color had unmet need, compared with 3.8 percent of White workers, and employees making below \$35,000 were more likely to have unmet need for leave (8.2 percent) than those earning more than that amount per year (with rates of unmet need as low as 4.2 percent for employees earning between \$35,000 and \$75,000 and 3.4 percent for employees earning at least \$75,000). By far the most common reason given for the unmet need (46 percent) was that the worker could not afford to take leave without pay (Klerman, Daley, and Pozniak 2013).

²⁴ The term "parental leave" refers to leave taken by fathers or mothers, i.e. paternity leave or maternity leave including the maternity leave used by mothers for recovery, but not including vacation or other types of leave (Klerman, Daley, and Pozniak 2013).

²⁵ Causes of unmet need for leave included ineligibility for FMLA benefits, the need for leave was not covered under the FMLA, or the individual chose not to take leave for which they were eligible.

Current Population Survey

The Current Population Survey is a nationally representative survey conducted on a monthly basis by the U.S. Census Bureau for the U.S. Department of Labor Bureau of Labor Statistics. The CPS collects detailed data from 50,000-60,000 households on the labor force status of household members age 15 and older (U.S. Department of Labor 2003). Data on the employment status of the population are compiled from surveys of “employed persons” ages 16 years and older, who are asked questions about their employment status during the “reference week,” or calendar week, Sunday through Saturday, which includes the 12th day of the month (U.S. Department of Labor 2003). “Employed persons” are defined as all those who worked at least one hour for pay during the reference week, including those who did not work but were temporarily absent from a job (U.S. Department of Labor 2003).

Respondents who report absence from work can choose from 14 activities to explain their absence, including vacation, illness, childcare problems, labor-management dispute, job training, or other family or personal reasons (Boushey, Farrell, and Schmitt 2013; U.S. Department of Labor 2003). Since 1994, “maternity or paternity leave” has been included in the CPS as a possible reason for absence from work, giving respondents the option of delineating parental reasons for time off and whether or not this leave was paid by the employer. The CPS, however, does not collect data on the specific source or sources of pay utilized while on that maternity/paternity leave, meaning researchers cannot distinguish between pay from formal maternity/paternity leave and pay from the other types of leave often used by workers for maternity/paternity reasons, such as paid sick leave, vacation, paid time off, or (for women) temporary disability leave (Boushey, Farrell, and Schmitt 2013). In addition, workers receiving temporary disability or parental leave payments through state programs typically do not receive pay from employers and so would be unlikely to report pay in this survey.

Boushey, Farrell, and Schmitt (2013) examine the 19 years of CPS data for which information on maternity and paternity leave is available (1994-2012). The authors’ analysis, which is restricted to employed persons ages 16 to 44, shows that women are much more likely to take paid or unpaid maternity leave than men are to take paternity leave. On average, 0.7 percent of women took paid or unpaid maternity leave annually over the last two decades compared with a mere 0.1 percent of men who reported taking paternity leave annually. Rates of pay during this leave have remained relatively stable, with an average of 45 percent of women reporting taking paid maternity leave over the last 19 years (Boushey, Farrell, and Schmitt 2013).

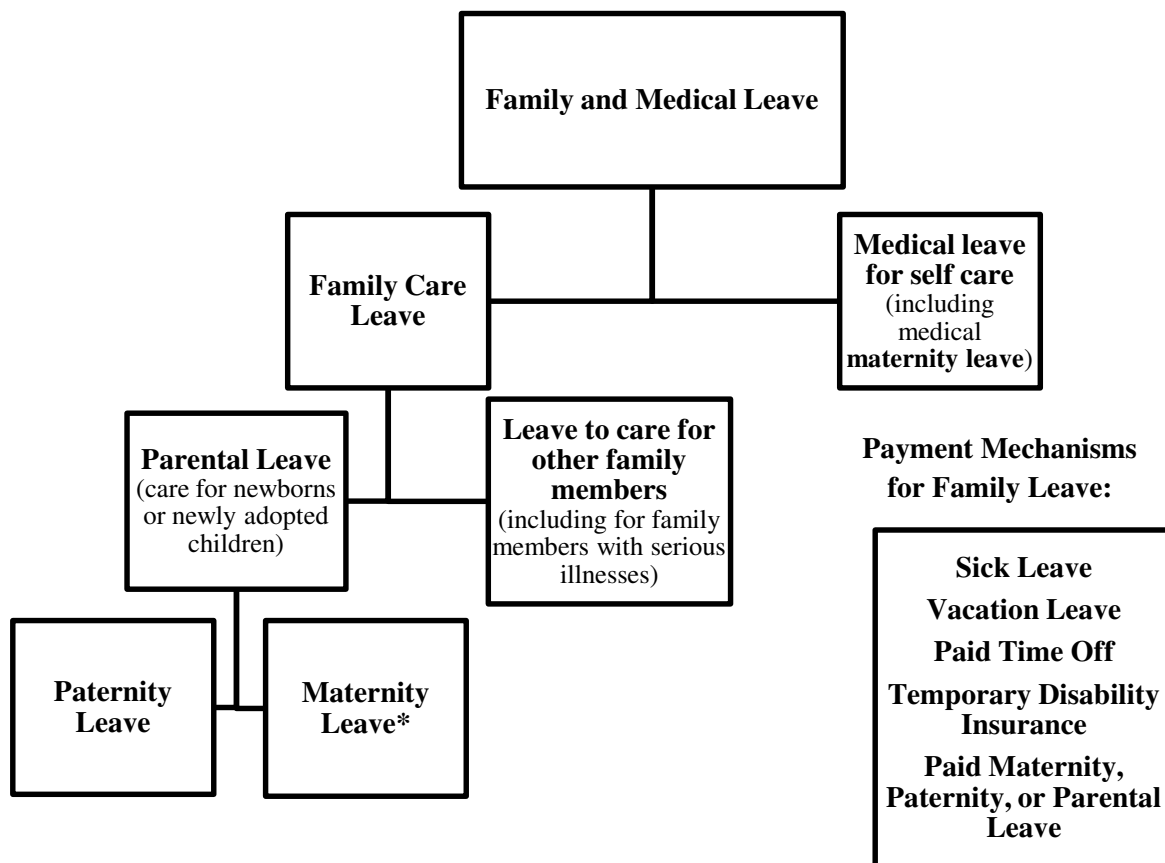
Rates of usage and pay among women, however, differ according to their characteristics. College-educated women, for example, take maternity leave more often than their less educated counterparts and are more likely to receive pay: from 1994 to 2012, an average of 1 percent of women with a college degree took leave annually for maternity reasons and 55 percent reported receiving pay. In contrast, only 0.6 percent of working women with some college or only a high school education and 0.4 percent of working women with less than high school report taking maternity leave annually, and only 35 percent and 25 percent, respectively, received pay during that time. Work intensity also has an effect on maternity leave usage. On average, 0.8 percent of women working full-time reported taking maternity leave annually and 50 percent reported that their leave was paid compared with only 0.5 percent of part-time female employees, 25 percent of whom received pay. Finally, female union members have the highest

rate of reported maternity leave usage at 1.1 percent annually, with 55 percent reporting pay. Non-union members took maternity leave at a rate that echoes the overall average: 0.7 percent annually, with 45 percent reporting pay (Boushey, Farrell, and Schmitt 2013).

Data Coverage and Data Gaps

Differing methodologies and definitions used across surveys make it challenging to paint a cohesive picture of parental leave access and use in the United States. For example, the NCS definition of ‘paid family leave’ refers to paid leave given to an employee for the care of a new child or an ill family member, excluding sick leave, vacation, personal leave, or short-term disability leave (U.S. Department of Labor 2013d). The FMLA surveys provide information about other types of paid leave for family care purposes, including, but not limited to, paid time off, sick leave, personal days, or vacation time. The SIPP asks questions about taking leave for a new child only to mothers experiencing childbirth. Figure 2 details the many ways family and medical leave can be defined and the potential sources of pay that can be used for family care.

Figure 2. Defining Family and Medical Leave



*In practice, maternity leave often includes both time for mothers’ recovery from childbirth and time for infant care.

There are some similarities in these surveys' results regarding access to paid family leave, as well as considerable differences. The FMLA worksite survey found that 35 percent of worksites offered paid maternity leave to all or most employees (Klerman, Daley, and Pozniak 2013). In the ATUS sample, 39 percent of workers reported having paid leave coverage for reasons related to the birth or adoption of a child (U.S. Department of Labor 2012a). The NCS reports that only 12 percent of workers had access to paid parental leave (including maternity and paternity leave).

Results from the NCS and FMLA Worksite survey provide different information on access to paid leave and allowable reasons for taking leave compared with the SIPP, ATUS, the FMLA employee survey, and the CPS, as the former two surveys ask questions of employers and the latter four interview workers. The NCS is the primary source on employer-provided benefits; however, because it includes only benefits provided by the employer, and thus does not include information on paid leave provided through disability or family care insurance without employer contributions, it almost certainly underestimates the number of workers with access to paid family leave. The accuracy of responses to questions asking workers whether or not their employer provides paid leave depends on how much workers know about whether they have access to leave, whether they are eligible to use it, and how accurately they label the type of leave they could use. Awareness of leave benefits often comes only with need, such that employee surveys may reflect, in part, incomplete employee knowledge of the availability of leave (U.S. Department of Labor 2012a). The questions included in the ATUS on leave taken and the FMLA employee survey on leave needed and leave taken help overcome this problem to some extent. Another inadequacy of the available data is that the survey sample sizes are generally not large enough to allow for any state-level analyses or for much disaggregation by worker characteristics.

While it would be possible to impute inequalities in access to paid leave by race and ethnicity from the data available on paid family leave by matching workers to the American Community Survey according to variables common to both surveys, such as occupation, hours of work, and age of respondent, the ability to calculate rates of access to paid family leave by race/ethnicity directly from the survey findings is weak. The NCS does not collect information on worker demographics, and, while Abt Associates did some analysis of the FMLA data by sex and minority status (White/nonwhite and Hispanic/nonhispanic), the small sample sizes lead to wide, frequently overlapping confidence intervals that prohibit systematic analyses by gender and race/ ethnicity.

Although five surveys that collect some information on paid parental leave are discussed here, several of these surveys do not collect paid family leave information on a regular basis. Only the NCS paid family leave questions have been asked regularly for many years.²⁶ The CPS has asked about paternity/maternity leave since 1994, along with questions about the reasons for absence from work and whether the worker receives any pay from the employer. In contrast, the ATUS Leave Module was funded by the Women's Bureau of the US Department of Labor for the first time in 2011. It is not known whether these (or similar) questions will be a part of future ATUS data collection efforts. The re-designed SIPP Event History Calendar (EHC), to be implemented starting in 2014, has eliminated most modules, and the status of the maternity leave module is in question.²⁷ While the 2012 FMLA survey was the third round in the

²⁶ The NCS has included family leave benefits data since 2010. From 1985 to 2006 similar questions were asked of employers in the Employee Benefits Survey (EBS).

²⁷ The maternity leave module was collected six times, in 1984, 1985, 1996, 2001, 2004, and 2008 (Laughlin 2011).

series, the surveys were administered at substantial intervals in time, and researchers do not know when future data might be collected. Only the NCS employer reports of access to leave and the CPS question on maternity/paternity leave appear on a trajectory to be continued regularly in coming years.

With the exception of the CPS, the samples of workers interviewed in the data sets discussed here are generally too small to produce robust estimates of state-level access, which limits, to some extent, their ability to inform state-level policies and practices. While the NCS covers a large sample of establishments, the smallest geographic breakdown of findings is published at the regional level, and microdata are not made available to researchers through public release (although researchers can apply for access through research data centers).

Published reports of the data sets discussed in this paper do not always provide information on the length of leaves taken and sources and levels of pay available to workers. The NCS does not provide any data on usage and therefore the length of leaves taken is not included. The ATUS provides data on the average number of hours of leave taken by workers with different characteristics. In contrast, the FMLA employee survey provides more detailed information regarding source of pay and lengths of leave, as well as length of leave for parental versus non-parental reasons by gender. The SIPP also provides information on the length of mothers' absence from work and the factors associated with the length of time not at work. The SIPP leave module, however, was administered only to mothers with a first birth in the specified time frame and no fathers or adoptive parents, creating a gap in knowledge surrounding what leave arrangements family units as a whole use to take time to care for a new child.

All in all, no one data source provides a complete picture of access to and use of paid parental leave or of the sources of pay for these leaves. Future data collection should seek to fill these gaps so that researchers, advocates, and policymakers can more effectively quantify and communicate how leave is provided, how families use leave, and the extent of unmet need for paid parental leave.

Recommendations

Improving the Data on Paid Parental and Family Leave

More comprehensive data and summary publications are needed to provide and communicate a full understanding of access to and use of paid leave in the United States, as well as the benefits that it brings to society. This will require including questions on family leave in a broader range of surveys administered regularly to employers and employees. Greater integration of questions on work-family issues overall in the federal statistical system would help to ensure that workplace and public policies keep pace with shifting patterns of work in U.S. society. For example, more questions on family leave benefits could be added to the Bureau of Labor Statistics' Current Population Survey and more questions on paid family leave benefits could be added to the question about paid sick days in the National Health Interview Survey.

Moving forward, the data collected on leave in general need to be more complete and consistent. Needed infrastructure improvements include expanding access to the NCS data through virtual research data centers that might encrypt communications to provide data security or remove selected potential

identifying information so that researchers could work with the data more freely without compromising respondent confidentiality. Protecting the confidentiality of establishment respondents is vital, but allowing for greater latitude in disaggregating the data in one dimension (e.g., geography) or another (e.g., industry detail) might allow the data to be used to answer more research questions of interest to policymakers, practitioners, and the general public.

Finally, a renewed discussion of how to extract such information from existing surveys is needed to explore potential solutions to the current data issues. Such an exploration could ask questions like “Should questions on paid family leave be made consistent across surveys?” or “What should surveys be asking to ensure that complete information is being collected?” Establishing a working group dedicated to recommending coordinated and improved practices for collecting data on paid and unpaid family leave could help to provide the information required for policy formulation.

Inequality in Access

A minority of workers in the United States have dedicated paid parental leave, meaning that most new parents must patch together different types of paid leave to ensure they can afford to take time from work to care for or bond with a new child, potentially exhausting leave that will be needed later for illness or vacation. Access to paid leave for family care reasons is limited for most workers in the United States and is inequitably distributed across workers of different characteristics.

One current source of inequity is that men have less access to paid parental leave than do women, even when considering that women who give birth require additional time for physical recovery. The FMLA is gender neutral, and the law requires covered employers to provide up to 12 weeks of unpaid, job-protected leave equally to eligible women and men. In contrast, TDI, which provides a major source of wage replacement for maternity leave, is available only to women giving birth. While men in the states of California, New Jersey, and Rhode Island can take advantage of the dedicated family leave laws that provide them with equal access to paid family leave benefits, the majority of men throughout the country have considerably fewer avenues to receive pay while on family leave. Companies can, of course, choose to provide men with paid paternity leave or allow them to use other types of paid leave for family care purposes or provide adoption leave to both mothers and fathers. Yet, employers often do not offer caregiving leave equally to men and women, or men may be subtly or not-so-subtly discouraged from taking time off to care for a new child, which can contribute to reproducing traditional conceptions of gender roles in society. Future legislation should address the current gender inequity in availability of paid family leave in order to ensure that men and women have equal access to such benefits moving forward, keeping in mind that women giving birth also need medical leave.

Inequality in access to paid family leave is also tied to socio-economic status. One’s educational attainment plays a large role, not only in earnings, but also in access to paid leave benefits. Data from the SIPP show that women with bachelor’s degrees are twice as likely to use paid leave of some kind before or after childbirth as women with only high school diplomas, half of whom leave their jobs instead of remaining employed after giving birth (Laughlin 2011).

The NCS data show that while access to unpaid family leave does not vary much among workers at different wage levels, workers in the lowest wage quartiles are much less likely than the highest earners to

have access to paid family leave, with the highest earners being more than four times as likely as the lowest earners to have access (20 percent of the top 10 percent of earners compared with 4 percent of the bottom 25 percent of earners; U.S. Department of Labor 2013c). The inequality in access to paid family leave may contribute to the widening economic gap between the rich and the poor and compound the already significant challenges facing low-wage workers and their families.

Despite some state-level successes and continued efforts by paid family leave advocates around the country, three rounds of the FMLA survey (1995, 2000, and 2012) have continued to show little change in access to paid family leave. Analysis of the CPS data from 1994-2012 also shows little change (Boushey, Farrell, and Schmitt 2013). This plateau indicates that there exists a gap in access to paid leave that employers are not filling. A reasonable solution to providing paid leave using a shared-cost framework would be a social insurance program that combines employer, employee, and public funding. This would ensure that all workers would have access to compensation while taking time to spend with their families, allowing both workers and employers to take advantage of the full range of benefits that could accrue from paid family leave.

Moving forward, it is also important to ensure that all workers have the information they need to take advantage of their options for family leave under federal and state laws. Especially in places where paid leave provisions exist, more must be done to expose workers to the full range of options provided to them by law or by their employers. In California, for example, one survey shows that more than half of workers who had experienced a qualifying life event were not aware of the existence of the Paid Family Leave program (Appelbaum and Milkman 2011). Most of these workers were from groups who could benefit from paid leave the most – low-wage workers, immigrants, and Latinas/os. Expanding education about access to paid family leave, as well as on the many benefits that can accrue to families from taking such leave, is crucial to increasing its use among diverse groups of workers.

Conclusion

Fifty years after the President's Commission on the Status of Women recommended that paid maternity leave be provided for working women, the United States remains without a federal paid maternity or family leave statute.

The benefits of paid family leave to individuals, to businesses, and to society are well-documented. Not only could a paid family leave program keep women in the workforce and decrease their need for public assistance, but it could reduce employer costs and contribute to U.S. economic growth. Paid family leave substantially increases the amount of leave taken by parents and is linked to health benefits like lower rates of infant and child mortality, increased incidence and length of breastfeeding, and improved cognitive development in children. It also allows lower-income families to take care of loved ones without sacrificing much-needed income. The increased use of leave is matched by an increased likelihood of mothers' returning to work after childbirth and with increased work hours by mothers in the two years after birth.

Moving forward, the importance of developing a coherent approach to data collection and research about paid family leave cannot be overstated. More accurately assessing the state of family leave coverage in

the United States with improved federal data collection would make it easier to quantify unmet needs and to assess the costs and benefits of paid and unpaid family leave. Such information and analysis could aid in the design of effective policies at both the state and federal levels.

The need for paid family leave in the United States remains pressing. While a small minority of states has taken bold steps to ensure their residents have access to paid family leave, the majority remain without such benefits. And while the 1993 FMLA has provided the majority of American workers with critical unpaid family leave benefits, such as job protection, new, more comprehensive legislation is needed to build a more productive workforce and a stronger economy.

Appendix. State-Specific Family Leave Coverage²⁸⁻²⁹

California				
Law/ Program	State Disability Insurance (SDI)	Paid Family Leave (also known as the Family Temporary Disability Insurance Program)	California Family Rights Act (CFRA) (also known as the Moore-Brown- Roberti Family Rights Act)	Fair Employment and Housing Act (FEHA)
Paid Benefits	For claims beginning on or after January 1, 2014, weekly benefits range from \$50 to a maximum of \$1,075. An employee's weekly benefit amount is approximately 55% of the earnings shown in the highest quarter of a worker's base period up to a maximum of \$1,075 per week (State of California 2014b).	The weekly benefit amount is approximately 55% of the earnings shown in the highest quarter of a worker's base period up to a maximum of \$1,075 per week (State of California 2014a). ³⁰	An employee may choose, or an employer may require the employee, to substitute accrued vacation leave or other accrued paid or unpaid time off. If the leave is taken for the employee's own serious health condition, the employee may choose or the employer may require the use of accrued sick leave (Gov. Code, § 12945.2). ³¹	Leave is unpaid but employees have the option to substitute any accrued paid vacation leave or sick leave (California Fair Employment and Housing Act Section 12940-12951). Labor Code Sec. 233(a) gives employees the right to use up to half of their yearly accrued sick leave to care for an ill child, spouse, or domestic partner of the employee.
Funding	Employee payroll contributions to the State Disability Insurance program	Employee payroll contributions to the State Disability Insurance program (State of California	Not applicable	Not applicable

²⁸ The information in the Appendix is compiled, and sometimes excerpted, from a variety of state government websites. All sources are included in the reference list.

²⁹ Unless otherwise noted, state government employees are eligible for protection under the laws listed in the Appendix. Most laws that only apply to state public sector employees are excluded (for example, Alaska, Arizona, Colorado, Florida, and Illinois). See the National Partnership for Women and Families' report, *Expecting Better: A State-By-State Analysis of Laws That Help New Parents* for more detail: <http://www.nationalpartnership.org/research-library/work-family/expecting-better.pdf>.

³⁰ The law gives an employer the option to require an employee to take up to two weeks of earned but unused vacation leave or paid time off. The first week of vacation or paid time off will be applied to the waiting period (State of California 2013).

³¹ Sick leave cannot be used for leave related to the birth, adoption, or foster care of a child, or to care for a child, parent, or spouse with a serious health condition, unless an agreement is reached between the employer and employee (Gov. Code, § 12945.2).

	(State of California 2014d).	2013).		
Eligible Reasons for Leave	Non-work related injury, illness, or medical condition, including disability resulting from pregnancy or childbirth, which renders an employee unable to do their regular work for at least 8 consecutive days (State of California 2010a).	To care for a seriously ill child (the employee's or that of a domestic partner), spouse, parent, or registered domestic partner or to bond with a minor child within one year of the birth or placement of the child in connection with foster care or adoption (State of California 2013). ³²	For the birth of a child of the employee, the placement of a child in connection with the adoption or foster care of the child by the employee, or the serious health condition of a child of the employee; ³³ to care for a parent or spouse with a serious health condition, or to care for the employee's own serious health condition that makes him/her unable to work ³⁴ (Gov. Code, § 12945.2).	The FEHA prohibits employers' refusal to allow female employees to take a FEHA leave during any time they are disabled by pregnancy, disabled by childbirth, or have a medical condition related to pregnancy or childbirth (California Fair Employment and Housing Act Section 12940-12951).
Length of Leave	Up to 52 weeks of disability insurance benefits (State of California 2014b). For normal pregnancies, the standard period of disability is up to	Up to 6 weeks of wage replacement benefits in any 12-month period (State of California 2014a). ³⁵	Up to a total of 12 workweeks of unpaid, job-protected leave in any 12-month period (Gov. Code, § 12945.2).	A reasonable amount of unpaid leave up to four months over a 12-month period. ³⁶ FEHA leave is taken in addition to any

³² A 2013 law (Chapter 350, Statutes of 2013) amended California's Unemployment Insurance Code (Part 2, Ch. 7. Secs. 3300-3303) by expanding the scope of the family temporary disability program to include time off to care for a seriously ill grandparent, grandchild, sibling, or parent-in-law, beginning July 1, 2014 (California State Senate 2013).

³³ Under the CFRA, "child" refers to a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is either 18 years of age or an adult dependent child (Gov. Code, § 12945.2).

³⁴ Leave that can be taken for an employee's own serious health condition does not include leave taken for disability on account of pregnancy, childbirth, or related medical condition (Gov. Code, § 12945.2).

³⁵ Women who take SDI leave for pregnancy-related disability are also eligible to take paid family leave; SDI leave and paid family leave must be taken sequentially (National Partnership for Women and Families 2012).

³⁶ A "reasonable period of time" refers to the time during which the female employee is disabled due to pregnancy, childbirth, or a related medical condition (California Fair Employment and Housing Act Section 12940-12951).

	4 weeks before and up to 6 weeks after childbirth in any 12-month period (State of California 2010c).			other leave entitlement an employee may have ³⁷ (California Fair Employment and Housing Act Section 12940-12951).
Job Protection	No, unless covered by the federal FMLA or CFRA	No, unless covered by the federal FMLA or CFRA	Yes	Yes
Employer and Employee Eligibility	The worker must be unable to do his or her regular or customary work for at least 8 consecutive days and must contribute to the California State Disability Insurance fund to be eligible for disability insurance (State of California 2014d). ³⁸	Workers must be unable to perform their regular or customary duties for a 7-day waiting period during each disability benefit period, during which no family temporary disability insurance benefits are payable (California State Senate 2013). Workers must also contribute to the California State Disability Insurance fund (State of California 2010b). ³⁹	Employees, including state employees, with at least 1,250 hours of service with an employer over the previous 12-month period; employers who employ 50 or more employees; and any state employer or any political or civil subdivision of the state and cities (Gov. Code, § 12945.2).	Employers with five or more employees. All employees employed by covered employers are eligible (California Fair Employment and Housing Act Section 12940-12951). ⁴⁰

³⁷ However, the employee's physician/practitioner may certify to a longer period if the delivery is by Cesarean section, if there are medical complications, or if the employee is unable to perform her regular or customary job duties (State of California 2010c).

³⁸ State employees are eligible if their bargaining unit has chosen to opt in to the system (State of California 2013).

³⁹ State employees are eligible if their bargaining unit has chosen to opt in to the system (State of California 2013).

⁴⁰ FEHA does not cover employers that are religious associations or corporations not organized for private profit, and employees who are employed by a family member or under a special license in a nonprofit sheltered workshop or rehabilitation facility are ineligible for FEHA leave (California Fair Employment and Housing Act Section 12940-12951).

Connecticut		
Law/ Program	Connecticut Family and Medical Leave Act (FMLA)	Connecticut Fair Employment Practices Act (CFEPA)
Paid Benefits	Leave is generally unpaid, but an eligible employee may choose to substitute accrued paid leave for FMLA leave. The employer may require employees to substitute paid leave (State of Connecticut Final Regulations).	Leave is unpaid. Under Connecticut's Employment Regulations, however, it is illegal for an employer to deny an employee the right to take up to two weeks of accrued paid sick leave to care for the serious illness of a son, daughter, spouse, or parent, or for the birth or adoption of a child of the employee (Conn. Gen. Stat. § 31-51pp(c)(1)).
Funding	Not applicable	Not applicable
Eligible Reasons for Leave	Inability to work or perform regular duties due to a serious health condition for more than three consecutive days and any subsequent treatment period; incapacity due to pregnancy or for prenatal care; incapacity due to a serious chronic health condition; for the placement of a child in connection with adoption or foster care; to care for a seriously ill family member (both physical and psychological care) (Connecticut Department of Labor 2013).	Employers may not deny female employees a "reasonable" leave of absence for disability resulting from pregnancy (Connecticut General Statute Secs. 46a-60(a)(7)).
Length of Leave	Up to 16 weeks of job-protected leave during any 24-month period. If an employee is eligible for both state and federal FMLA laws, leave taken counts against both. Leave may be taken intermittently (State of Connecticut Final Regulations).	Female employees are entitled to a "reasonable" length of absence from work (Connecticut General Statute Secs. 46a-60(a)(7)).
Job Protection	Yes	Yes
Employer and Employee Eligibility	Employers must have at least 75 employees and employees must have worked 1,000 hours over a 12-month period (does not have to be consecutive) for a covered employer by the date on which any family or medical leave is to commence (State of Connecticut Final Regulations). ⁴¹ Not restricted to heterosexual couples (State of Connecticut "Guidance on the Interaction").	Eligible workers must work for state or private employers that employ three or more employees (Connecticut General Statute Secs. 46a-51(a)(10)).
Other Family Leave	State Personnel Act: State government employees have additional family leave rights: any permanent employee of the state is entitled to unpaid, job-protected family leave for the birth or adoption of a child; for the serious illness of a child, spouse or parent; ⁴² for the employee's	

⁴¹ Covered employers do not include the state, a municipality, a local or regional board of education, or a private or parochial elementary or secondary school (State of Connecticut Final Regulations).

⁴² "Child" is defined as a biological, adopted or foster child, stepchild, child of whom a person has legal guardianship or custody, or, in the alternative, a child of a person standing in loco parentis, who is (1) under eighteen years of age, or (2) eighteen years of age or older and incapable of self-care because of a mental or physical disability (Connecticut General Statute Secs.5-248(a)).

Laws	own illness; for serving as a bone marrow or organ donor; or for caring for a military service member. ⁴³ Leave may be taken for up to 24 weeks within a two-year period (Connecticut General Statute Secs. 5-248(a)).	
District of Columbia		
Law/ Program	District of Columbia Family and Medical Leave Act	D.C. Parental Leave Act
Paid Benefits	Leave is unpaid unless employees elect to use accrued paid leave (D.C. Register 2013).	The leave provided may be unpaid unless the employee elects to use any paid family, vacation, personal, compensatory, or leave bank leave provided by the employer (District of Columbia Register 1997).
Funding	Not applicable	Not applicable
Eligible Reasons for Leave	The birth of a child of the employee; the placement of a child with the employee for adoption or foster care; the care of a family member of the employee (including an individual in a committed relationship with the employee) who has a serious health condition; and prenatal care or disability related to pregnancy (D.C. Municipal Regulations and D.C. Register 2013).	To attend or participate in a school-related event for an employee's child in which the child is a participant or a subject (District of Columbia Register 1997).
Length of Leave	Up to 16 workweeks of medical leave and 16 workweeks of family leave during a 24-month period. Leave used by employees eligible for both state and federal FMLA laws counts against an employee's entitlements to both (D.C. Municipal Regulations and D.C. Register 2013). ⁴⁴	Employees who are parents ⁴⁵ may take 24 hours of leave ⁴⁶ during a 12-month period (District of Columbia Register 1997).
Job Protection	Yes	Yes
Employer and Employee Eligibility	Establishments with at least 20 employees on the payroll for at least 20 weeks and employees who have worked for an employer for at least a year and for at least 1,000 hours during the 12-month period immediately preceding the requested family or medical leave (D.C. Municipal Regulations and D.C. Register 2013).	All employees who are parents who work for employers located in the District of Columbia are covered. Leave is unpaid, but workers may use paid family, vacation, personal, compensatory, or leave bank available to them through their employer (District of Columbia Register 1997).

⁴³ Employees who are the spouse, son or daughter, parent or next of kin of a current member of the armed forces who was injured in the line of duty are entitled to 26 workweeks of leave in a two-year period (Connecticut General Statute Secs.5-248(g)).

⁴⁴ Employees can elect to use any paid medical, sick, vacation, personal, or compensatory leave provided by their employer for family leave; this leave shall count against the 16 workweeks of family leave allowed under D.C. law (D.C. Municipal Regulations and D.C. Register 2013).

⁴⁵ The term "Parent" means any of the following: (1) the biological parents of a child; (2) a person who has legal custody of a child; (3) a person who acts as a guardian of a child regardless of whether he or she had been appointed legally; (4) an aunt, uncle, or grandparent of a child; or (5) the spouse of any of the foregoing persons (District of Columbia Register 1997).

⁴⁶ Leave can include unpaid or paid family, vacation, personal, compensatory, or leave bank leave (District of Columbia Register 1997).

Hawaii		
Law/ Program	Temporary Disability Insurance (TDI)⁴⁷	Hawaii Family Leave Law
Paid Benefits	The weekly benefit amount is 58% of an employee's wage base up to a maximum of \$546 in 2014 (State of Hawaii 2013).	An employee or employer may substitute any of the employee's accrued paid leave for family leave (State of Hawaii "Hawaii Revised Statutes"). ⁴⁸
Funding	Employers must pay at least half and can elect to pay all of the premium cost. Employees cannot be required to pay more than half the cost (and not more than 0.5% of their weekly wages) (State of Hawaii 2004).	Not applicable
Eligible Reasons for Leave	Inability to work because of pregnancy or a disabling non-work related injury/illness (State of Hawaii 2004).	Upon the birth of a child of an employee or adoption of a child, or to care for an employee's child, spouse or reciprocal beneficiary (which may include a same-sex partner), or parent with a serious health condition (State of Hawaii "Hawaii Revised Statutes").
Length of Leave	The employer's plan determines how long the employee will be paid. If the employer has a statutory plan, i.e. a plan that provides benefits according to the minimum benefit standards as required by law, the employee is entitled to disability benefits, from the eighth day of disability for a maximum of 26 weeks (State of Hawaii, Disability Compensation Division 2014). If the employer has a sick leave plan which differs from statutory benefits and has been approved by the Disability Compensation Division as an equivalent or better-than-statutory plan, the duration of payments will be determined by the plan (State of Hawaii, Disability Compensation Division 2014).	Up to 4 weeks of paid leave, unpaid leave, or a combination of both in a calendar year; leave may be taken intermittently and is used simultaneously with federal FMLA leave, if the employee is eligible for both (State of Hawaii "Hawaii Revised Statutes").
Job Protection	No, unless also covered by the federal FMLA	Yes
Employer and	Employers of all sizes must provide TDI to their employees (State of Hawaii 2004).	Employers with 100 or more employees for each working day during each of 20 or more

⁴⁷ Employers may provide TDI benefits through the following methods: by purchasing insurance from a licensed carrier; by adopting a sick leave policy approved by the Disability Compensation Division (DCD); or by a collective bargaining agreement which contains sick leave benefits at least equal to those provided by the TDI Law (State of Hawaii 2004).

⁴⁸ Paid leave includes, but is not limited to paid vacation, personal, or family leave. The use of paid sick leave for family leave is limited to ten days unless a collective bargaining agreement expressly permits sick leave to be used for a longer period of time (State of Hawaii "Hawaii Revised Statutes").

Employee Eligibility	Employees must have been in Hawaiian employment for at least 14 weeks, ⁴⁹ for at least 20 hours per week during the prior 52 weeks preceding the first day of disability, and earned at least \$400 (State of Hawaii 2014). ⁵⁰	calendar weeks in the current or preceding calendar year, and employees who have worked for at least 6 consecutive months for the same employer (State of Hawaii “Hawaii Family Leave”). ⁵¹
Other Leave Laws	Hawaii Administrative Rules, Subchapter 4 on sexual discrimination specifies that all employers must consider disability related to pregnancy as valid justification for a female employee, regardless of tenure and hours worked, to take a reasonable amount of job-protected paid or unpaid leave, the length of which shall be determined by the employee’s physician with regard to the employee’s condition and job requirements (Hawaii Administrative Code §12-46-108).	
Iowa		
Law/ Program	Iowa Civil Rights Act of 1965	
Paid Benefits	Not specified	
Funding	Not applicable	
Eligible Reasons for Leave	Disability related to pregnancy, childbirth, or medical conditions related to pregnancy. Employers cannot refuse a female employee a reasonable amount of leave during the time the employee is disabled, if the available leave offered to the employee through any health or temporary disability insurance or sick leave plan is insufficient (Iowa Code § 216.6(2)(e), (6)(a)).	
Length of Leave	Leave granted may last as long as the employee is disabled, up to eight weeks (Iowa Code § 216.6(2)(e), (6)(a)).	
Job Protection	Not specified	
Employer and Employee Eligibility	Applies to all employers, both state and private, who regularly employ four or more employees and to all employees, regardless of tenure or hours worked (Iowa Code § 216.6(2)(e), (6)(a)).	

⁴⁹ The 14 weeks of employment do not have to have been for the same employer or consecutive (State of Hawaii 2014).

⁵⁰ Some employees are excluded from coverage such as the employees of the federal government, certain domestic workers, insurance agents and real estate salespersons paid solely on a commission basis, individuals under 18 years of age employed in the delivery or distribution of newspapers, certain family employees, student nurses, interns and workers in other categories specifically excluded by the law (State of Hawaii 2014).

⁵¹ There is no minimum number of hours an employee must have worked to be eligible for family leave benefits (State of Hawaii “Hawaii Family Leave”).

Louisiana	
Law/ Program	Pregnancy Disability Leave Law
Paid Benefits	Not specified
Funding	Not applicable
Eligible Reasons for Leave	For the temporary disability of pregnancy, childbirth, and related medical conditions (La. Rev. Stat. Ann. § 23:341(A)).
Length of Leave	Employees may be granted up to four months of disability leave if the employee is disabled because of pregnancy, childbirth, or related medical conditions, although employers are not required to provide more than six weeks of leave for a normal pregnancy (La. Rev. Stat. Ann. § 23:342(b); La. Rev. Stat. Ann. § 23:341(A)).
Job Protection	Not specified
Employer and Employee Eligibility	Applies to employers who employ 25 employees or more during the leave year or the calendar year immediately preceding and to all employees, regardless of tenure or hours worked (La. Rev. Stat. Ann. § 23:341(A)).
Maine	
Law/ Program	Maine Family and Medical Leave Act
Paid Benefits	Family medical leave may consist of unpaid leave. If an employer provides paid family medical leave for fewer than 10 weeks, the additional weeks of leave added to attain the total of 10 weeks required may be unpaid (Maine Legislature, Office of the Revisor of Statutes 1991). Employers who offer paid sick, vacation, or compensatory leave must allow employees to use up to 40 hours in a 12-month period to care for an ill child, spouse or parent (State of Maine 2012). ⁵²
Funding	Not applicable
Eligible Reasons for Leave	For the birth, adoption, or foster care placement of a child 16 years or younger; for the care of a family member with a serious health condition; ⁵³ and for when an employee donates an organ for human organ transplant. Also available to the worker when the worker's spouse, domestic partner, parent, child, or sibling who is a member of the state military forces or U.S. Armed Forces dies or incurs a serious health condition while on active duty (State of Maine 2013).
Length of Leave	Up to 10 workweeks of job-protected leave in a two-year period (State of Maine 2013).
Job Protection	Yes

⁵² Employees who work for an employer with at least 25 employees have the right to use accrued paid leave (including sick leave, vacation leave, or compensatory time) to care for a sick child, spouse, or parent. Employers can adopt a policy limiting the number of hours an employee can use paid leave for these purposes, but that number cannot be less than 40 hours in a 12-month period (Me. Rev. Stat. Ann. tit. 26 § 636).

⁵³ Family members include the worker's child, parent, spouse, domestic partner, domestic partner's child, or worker's sibling. The birth or adoption may be to/by the worker or the worker's domestic partner (State of Maine 2012).

Employer and Employee Eligibility	Employers with 15 or more workers and all public agencies. Employees must have worked for their employer for at least 12 consecutive months (State of Maine 2013).
Massachusetts	
Law/Program	Maternity leave entitlements
Paid Benefits	Not specified
Funding	Not applicable
Eligible Reasons for Leave	Leave for childbirth or to adopt a child under the age of 18 or under the age of 23 if the child is mentally or physically disabled (Mass. Gen. Laws Ch. 149, § 105D).
Length of Leave	Leave shall not exceed eight weeks (Mass. Gen. Laws Title XXI Ch. 149, Sec. 105D). ⁵⁴
Job Protection	Yes
Employer and Employee Eligibility	Female employees who have completed a required probationary period, or, if no probationary period is required, who has been employed full-time by the same employer for at least three consecutive months (Mass. Gen. Laws Title XXI Ch. 149, Sec. 105D. All private and public employers who employ at least six employees (Mass. Gen. Laws Ch. 151B, § 1(5)). ⁵⁵
Minnesota	
Law/Program	Minnesota Parental Leave Act
Paid Benefits	Employees may use paid sick leave, if offered by employers, for their own illness or the illness of a sick family member (Minnesota Department of Labor & Industry “Labor Standards”). ⁵⁶
Funding	Not applicable
Eligible Reasons for Leave	Birth and adoption, but not foster care placement, of a child (Minnesota Department of Labor & Industry “Labor Standards”).
Length of Leave	Up to six weeks of unpaid job-protected family leave; medical leave is not required by the state (Minnesota Department of Labor & Industry “Labor Standards”).
Job Protection	Yes
Employer and Employee Eligibility	Employers with 21 or more employees at any one site and employees who have been employed with a qualifying employer for at least 12 consecutive months and for an average of one-half the full-time equivalent position in the employee’s job classification during those 12 months (Minnesota Department of Labor & Industry “Labor Standards”).

⁵⁴ Executive branch state employees have up to 26 weeks of family and medical leave in a rolling 52-week period (The Commonwealth of Massachusetts Human Resources Division 2009).

⁵⁵ The term “employer” does not include a club exclusively social, or a fraternal association or corporation, if such club, association or corporation is not organized for private profit.

⁵⁶ If employers offer sick leave (paid or unpaid), employees may use it for themselves or their sick minor child, adult child, spouse, sibling, parent, grandparent or step-parent (Minnesota Department of Labor & Industry “Labor Standards”).

Montana	
Law/ Program	Illegal discrimination: Maternity leave; parental leave for state employees
Paid Benefits	Employers may not refuse any compensation to a woman disabled because of pregnancy which she is entitled as a result of disability or leave benefits offered by the employer (Mont. Code. Ann. §§ 49-2-310(2)).
Funding	Not applicable
Eligible Reasons for Leave	Disability as a result of pregnancy (Mont. Code. Ann. §§ 49-2-310(2). State government employees who are adoptive parents or birth fathers are eligible for parental leave (State of Montana “Salary and Benefits Information Overview”).
Length of Leave	Employers are prohibited from refusing to grant a female employee a “reasonable amount of absence” for pregnancy and from requiring an employee take a mandatory maternity leave for an unreasonable amount of time (Mont. Code. Ann. §§ 49-2-310(2)).
Job Protection	Yes
Employer and Employee Eligibility	Applies to employers of one or more employees and to all individuals employed by an employer (Mont. Code. Ann. §§ 49-2-101(10-11)).
New Hampshire	
Law/ Program	Equal Employment Opportunity
Paid Benefits	Female employees with a temporary disability related to pregnancy or childbirth shall be treated in the same manner as other employees with temporary disabilities, including the provision of benefits (N.H. Rev. Stat. Ann. § 354-A:7(VI)(c)).
Funding	Not applicable
Eligible Reasons for Leave	For temporary disability resulting from pregnancy, childbirth, or related medical conditions (N.H. Rev. Stat. Ann. § 354-A:7(VI)(b)).
Length of Leave	Employers must allow female employees to take a leave of absence during the time they are temporary disabled (N.H. Rev. Stat. Ann. § 354-A:7(VI)(b)).
Job Protection	Yes
Employer and Employee Eligibility	Employers with six or more employees but not those which are an exclusively social club, or a fraternal or religious association or corporation, if such club, association, or corporation is not organized for private profit; all employees except those employed by a parent, spouse, or child or domestic servants (N.H. Rev. Stat. Ann. §§ 354-A:2(VI)-(VII)).

New Jersey			
Law/ Program	Temporary Disability Benefits Law	Family Leave Insurance	New Jersey Family Leave Act (NJFLA) ⁵⁷
Paid Benefits	The weekly benefit amount is two-thirds of an employee's average weekly wage (based on the 8 weeks immediately prior to the week in which disability begins) up to a maximum weekly benefit of \$595 (Department of Labor and Workforce Development, Division of Temporary Disability Insurance 2013).	The weekly benefit rate is two-thirds of an employee's average weekly wage (based on wages earned during the prior 8 weeks), up to a maximum of \$595 (State of New Jersey 2013).	Leave is unpaid.
Funding	Effective January 1, 2014, workers contribute .0038% of the taxable wage base. For 2013 the taxable wage base is \$31,500 and the maximum yearly deduction for temporary disability insurance is \$119.70. Employers pay from 0.10% to 0.75%. For 2014, employers contribute between \$31.50 and \$236.25 on the first \$31,500 earned by each employee during the calendar year. For both workers and employers, the tax base is subject to change each year (Department of Labor and Workforce Development, Division of Temporary Disability Insurance 2013).	The family leave program is financed 100% by worker payroll deductions. Starting January 1, 2014, each worker contributes 0.001% of the taxable wage base. For 2014 the taxable wage base is the first \$31,500 in covered wages earned during calendar year 2014 up to a maximum yearly deduction of \$31.50. The taxable wage base changes each year (State of New Jersey 2013).	Not applicable
Eligible Reasons for Leave	Inability to work due to an accident or sickness not arising out of and in the course of employment, or disability due to pregnancy (Department of Labor and	To bond with a newborn or adopted child within the first 12 months of birth/adoption, or to care for a seriously ill family member ⁵⁸ (State of New Jersey 2013).	In connection with the birth or adoption of a child or the serious illness of a parent, parent-in-law, stepparent, child, or spouse. NJFLA does not provide leave in

⁵⁷ The New Jersey Division on Civil Rights, Department of Law and Public Safety, Office of the Attorney General, enforces the New Jersey Family Leave Act (State of New Jersey "About the NJ Family Leave Act (FLA)").

⁵⁸ Family members include an employee's child, spouse, domestic partner, civil union partner, or parent, including parent-in-law or stepparent. The child must be the worker's biological or adopted child, foster child, stepchild, legal ward or the child of the worker's domestic or civil union partner and must be less than 19 years old or, if older than 19 years of age, must be incapable of self-care because of mental or physical impairment (State of New Jersey 2013).

	Workforce Development, Division of Temporary Disability Insurance 2013).		connection with an employee's own disability (State of New Jersey, Department of Law and Public Safety). ⁵⁹
Length of Leave	Up to 26 weeks of paid disability leave for illness or injury. The usual payment period for a normal pregnancy may be up to 4 weeks before the expected delivery date and up to six weeks after the actual delivery date. ⁶⁰ (Department of Labor and Workforce Development, Division of Temporary Disability Insurance 2013).	A bonding leave claim must be for a period of more than seven consecutive days, unless the employer permits the leave to be taken in non-consecutive periods. In this case, each non-consecutive leave period must be at least seven days. Care leave may be taken for 6 consecutive weeks, intermittent weeks or 42 intermittent days in a 12-month period beginning with the first date of the family leave insurance claim (State of New Jersey 2013).	The NJFLA provides up to 12 weeks of leave in a two-year period beginning on the first day of the employees' first day of leave. NJFLA leave is taken simultaneously with federal FMLA leave, if an employee is eligible for both (State of New Jersey, Department of Law and Public Safety).
Job Protection	No, unless covered by the federal FMLA	No, unless covered by the federal FMLA	Yes
Employer and Employee Eligibility	Employers are automatically covered by the State Plan unless covered under an approved private plan. Employees must have worked 20 calendar weeks or more ("base weeks") for an eligible New Jersey employer, during which they earned at least \$145 or at least \$7,300 during the 52 weeks ("base year") (State of New Jersey "State Disability Benefits – Employer Information"). ⁶¹	Employers with 50 employees or more anywhere worldwide and employees employed in New Jersey by a covered employer who have worked for that employer for at least 12 months for at least 1,000 hours during the prior 12 months (State of New Jersey "About the NJ Family Leave Act").	Employers must have at least 50 employees working anywhere in the world and employees must be employed in New Jersey by a covered employer for at least 12 months and for at least 1,000 base hours (State of New Jersey, Department of Law and Public Safety).

⁵⁹ Because the NJFLA does not provide leave for an employee's own disability, women who are disabled due to pregnancy or childbirth do not have job-protected leave to recover from pregnancy, childbirth, or related medical conditions (National Partnership for Women and Families 2012).

⁶⁰ If there are medical complications or the worker is unable to do her regular work, her doctor may certify to a longer period of disability either before or after the birth of her child (Department of Labor and Workforce Development, Division of Temporary Disability Insurance 2013).

⁶¹ State workers are only eligible for Temporary Disability Insurance If the government entity for which they work chooses to be a "covered employer" and if/when they have exhausted all accrued sick leave.

New York	
Law/ Program	The Disability Benefits Law
Paid Benefits	The weekly benefit is 50% of a claimant's last eight weeks average gross wage, up to a maximum of \$170 per week (New York State “Disability Benefits”).
Funding	Covered employers must pay disability benefits to all eligible employees, though they may collect contributions from employees at the rate of one-half of 1% of an employee’s wages up to 60 cents per week (New York State “Disability Benefits”). ⁶²
Eligible Reasons for Leave	Disability related to an off the-job injury or illness and for disabilities arising from pregnancy (New York State “Disability Benefits”).
Length of Leave	Benefits are paid for a maximum of 26 weeks of disability during 52 consecutive weeks. Pregnancy disability that lasts more than four to six weeks prior to childbirth and/or more than four to six weeks after delivery will require an employee to submit more details on their condition from a physician (New York State “Disability Benefits”). ⁶³
Job Protection	No, unless also covered by the federal FMLA
Employer and Employee Eligibility	An employer of one or more persons on each of 30 days in any calendar year becomes a “covered” employer four weeks after the 30 th day of such employment. Employees or recent employees of a “covered” employer who have worked at least four consecutive weeks (New York State “Disability Benefits”). ⁶⁴

Oregon	
Law/ Program	Oregon Family Leave Act (OFLA)
Paid Benefits	Family leave is unpaid; however employees are entitled to use any accrued paid vacation, sick or other paid leave (State of Oregon 2012).
Funding	Not applicable
Eligible Reasons for Leave	Employees can take: Parental leave during the year following the birth, adoption, or foster placement of a child under 18 years old, or a child 18 or older if incapable of self-care because of a mental or physical disability. Serious health condition leave for an employee’s own serious health condition or to care for a family member with a serious health condition; ⁶⁵ Pregnancy disability leave (a form of serious health condition leave) for an incapacity related to pregnancy or childbirth before or after birth or for prenatal care; Sick child leave to care for an employee’s own child with an illness or injury that requires home care but is not a serious health condition

⁶² Employers can use a disability insurance carrier who has been licensed by New York State to write such policies or they can become authorized by the New York State Workers’ Compensation Board to self-insure (New York State “Disability Benefits”).

⁶³ Generally, a claimant is covered four to six weeks after a delivery (New York State “Disability Benefits”).

⁶⁴ State employees are not covered under the Disability Benefits law, though sick leave and sick leave at half-pay may be used during a period of medical disability. They do, however, have access to seven weeks of unpaid parental leave after a new child is born (during which they can choose to substitute another form of accrued paid leave), and female employees can take pregnancy disability leave according to the state’s pregnancy disability regulations. Both laws apply to state employees regardless of tenure or hours worked (New York State Department of Civil Service 1982).

	Oregon Military Family Leave by the spouse or same gender domestic partner of a service member who has been called to active duty or notified of an impending call to active duty or is on leave from active duty during a period of military conflict (State of Oregon 2012).	
Length of Leave	Up to 12 weeks of family leave within the employer’s 12-month leave year; a woman using pregnancy disability leave is entitled to 12 additional weeks of leave in the same leave year for any qualifying OFLA purpose; a man or woman using a full 12 weeks of parental leave is entitled to take up to 12 additional weeks for the purpose of sick child leave. The spouse or same gender domestic partner of a service member who has been called to active duty or notified of an impending call to active duty or is on leave from active duty during a period of military conflict can take a total of 14 work days per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment and when the military spouse is on leave from deployment (State of Oregon 2012).	
Job Protection	Yes, but employees on OFLA leave are still subject to nondiscriminatory employment actions that would have taken place regardless of the employee’s leave.	
Employer and Employee Eligibility	Employers must employ at least 25 people and employees must have worked at least an average of 25 hours/week over the 180-day calendar period immediately preceding the leave. For parental leave, number of hours worked over the 180-day period is not considered (State of Oregon 2012).	
Rhode Island		
Law/ Program	Temporary Disability Insurance / Temporary Caregiver Insurance	Rhode Island Parental and Family Leave Act
Paid Benefits	Weekly benefits are 4.62% of the wages paid to an employee in the highest quarter of their base period, with a minimum benefit rate of \$72 and a maximum of \$752 per week, not including dependency allowances for dependent children under 18 years of age and incapacitated children (Rhode Island 2013).	If the employer provides paid parental or family leave for fewer than 13 weeks, the remaining weeks added to attain the total 13 weeks may be unpaid (R.I. Department of Labor and Training, Rhode Island Parental and Family Leave Act).
Funding	Employee payroll contributions provide for both Temporary Disability Insurance and Temporary Caregiver Insurance. There is no direct cost to employers (Rhode Island 2014).	Not applicable
Eligible Reasons for Leave	Temporary Disability Insurance is for non-work related illness or injury, as well as when a Qualified Health Care Provider determines that a pregnant worker is functionally unable to perform all of her work duties due to medical complications as a result of her pregnancy and or other health issues. Temporary Caregiver Insurance is available to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law or grandparent or to bond with a newborn child, a new adopted child, or a new foster care child (Rhode Island 2013).	Parental leave may be taken for the birth of a child of an employee or the placement of a child 16 or younger with an employee in connection with the adoption of such child by the employee (R.I. Department of Labor and Training, Rhode Island Parental and Family Leave Act). Family leave may be taken for the serious illness of a family member, meaning a parent, spouse, child, parent-in-law, or the employee him or herself (R.I. Department of Labor and Training, Rhode Island Parental and Family Leave Act).
Length of Leave	Up to 30 weeks of paid leave for disability (Rhode Island 2013) and up to 4 weeks of paid leave under Temporary Caregiver Insurance (Rhode Island 2014).	Up to 13 consecutive weeks of unpaid parental or family leave in any two calendar years (R.I. Department of Labor and Training, Rhode Island Parental and Family

		Leave Act).
Job Protection	Yes	Yes
Employer and Employee Eligibility	Employees must have been employed by an employer subject to the Disability Act and have received wages in each of 20 weeks in the year prior to the claim, or received total wages of at least \$5,100 in the prior year regardless of the number of weeks worked (Aaronson 1993). ⁶⁶	Employers who employ 50 employees or more; the State of Rhode Island and any state department or agency that acts as an employer; any city, town, or municipal agent that employs at least 30 employees; and any person who acts directly or indirectly in the interest of any employer. Employees who are full-time workers and who have worked for the same employer for 12 consecutive months for an average of 30 hours or more hours per week prior to the effective date of leave (R.I. Department of Labor and Training, Rhode Island Parental and Family Leave Act).
Tennessee		
Law/ Program	Tennessee Human Rights Act	
Paid Benefits	Leave may be with or without pay at the discretion of the employer but shall not affect the employee's right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which they were eligible at the date of their leave (Tenn. Code. Ann. § 4-21-408(c)).	
Funding	Not applicable	
Eligible Reasons for Leave	For adoption, pregnancy, childbirth, and nursing an infant (where applicable) (Tenn. Code. Ann. § 4-21-408(a)).	
Length of Leave	Leave shall not exceed four months (Tenn. Code. Ann. § 4-21-408(a)).	
Job Protection	Yes	
Employer and Employee Eligibility	Employers who employ 100 full-time employees on a permanent basis at the job site or location (Tenn. Code Ann. Sec. 4-21-408(d)(2)). Employees who have been employed by the same employer for at least 12 consecutive months as full-time employees, as determined by the employer at the job site or location (Tenn. Code. Ann. § 4-21-408(a)).	

⁶⁶ State employees can become eligible for the Temporary Disability Insurance program if they work for a governmental entity that has elected to participate in, or if they have chosen to become subject to, the program through the collective bargaining process (R.I. Gen. Laws § 28-39-3).

Vermont	
Law/ Program	Parental and Family Leave Act
Paid Benefits	Workers may choose to use up to 6 weeks of paid sick leave, vacation leave, or any other accrued paid leave time during the leave (Vermont Department of Labor 2013).
Funding	Not applicable
Eligible Reasons for Leave	Parental leave: During the pregnancy and/or after childbirth or within a year following the initial placement of a child 16 years of age or younger with the worker for the purpose of adoption (Vermont Department of Labor 2013). Family leave: For the serious illness of the worker, worker's child, stepchild, ward, foster child, party to a civil union, parent, spouse, or parent of the worker's spouse (Vermont Department of Labor 2013).⁶⁷
Length of Leave	Parental and Family Leave: up to 12 weeks of unpaid leave. Short-Term Family Leave: up to 4 hours in any 30-day period (no more than 24 hours in a year) to participate in preschool or school-related activities; to attend or to accompany specified family members to routine medical or dental appointments; to accompany specified family members to appointments for professional services related to their care and wellbeing; or to respond to a medical emergency involving specified family members (Vermont Department of Labor 2013).⁶⁸
Job Protection	Yes
Employer and Employee Eligibility	Parental Leave: employers with 10 or more employees who work an average of 30 hours per week over the course of a year (Vermont Department of Labor 2013). Family Leave: employers with 15 or more employees who work an average of 30 hours per week over the course of a year (Vermont Department of Labor 2013).

⁶⁷ Public sector employees have expanded access to family leave following the birth or adoption of a child or to care for a family member with a serious health condition, including a condition related to pregnancy. More information can be found here: <http://humanresources.vermont.gov/policy/manual>.

⁶⁸ School-related activities must be directly related to the academic achievement of a worker's child, stepchild, foster child, or ward who lives with the worker. Medical or dental appointments or medical emergencies must involve the employee's child, stepchild, foster child, or ward who lives with the worker or the employee's spouse, parent, or parent-in-law (Vermont Department of Labor 2013).

Washington				
Law/ Program	Family Leave Insurance Program	Washington State Family Leave Act (FLA)	Family Care Act	Washington State Human Rights Commission regulations against discrimination
Paid Benefits	Weekly benefits would be up to \$250/week for up to five weeks (Washington State Employment Security Department 2013).	An employer does not have to provide paid leave under the FLA, but an employer may choose to pay for all or some of the FLA leave (Washington State Department of Labor and Industries 2010b).	Employees can use paid leave, including sick leave, vacation, holiday, paid time off, or some short-term disability plans for family care leave (Washington State Department of Labor and Industries 2010a).	Employers must treat a woman temporarily disabled by pregnancy the same as they would any employee with a temporary disability, including the provision of paid leave for sickness or other temporary disabilities (Wash. Admin. Code § 162-30-020(4)).
Funding	Program postponed indefinitely, due to a lack of state funding (Washington State Employment Security Department 2013).	Not applicable	Not applicable	Not applicable
Eligible Reasons for Leave	To care for a newborn or newly adopted child (Washington State Department of Labor and Industries 2010).	Leave for the birth of a child of the employee and in order to care for the child; leave for the placement of a child with the employee for adoption or foster care; leave to care for an employee's family member who has a serious health condition, including a registered domestic partner; or leave because the employee has a serious health condition that makes the employee unable to perform the	Leave can be used to care for sick family members, including a spouse, registered domestic partner, child, parent, parent-in-law, or grandparent, with a serious health condition; for the care of a child under 18 who has a routine illness or needs preventive care; for the care of an adult child; or for the short-term care of a pregnant spouse or registered domestic partner, during or after childbirth, as needed (Washington	For temporary disability related to pregnancy or childbirth (Wash. Admin. Code § 162-30-020(4)).

		functions of his or her position ⁶⁹ (Washington State Department of Labor and Industries 2010b).	State Department of Labor and Industries 2010a).	
Length of Leave	Paid, job-protected leave ⁷⁰ for up to 5 weeks (Washington State Employment Security Department 2013).	Typically unpaid, job-protected leave for up to 12 weeks, plus an additional 6-8 weeks of pregnancy disability leave if necessary (Washington State Department of Labor and Industries 2010a).	Employees must comply with the terms of the collective bargaining agreement or employer policy applicable to the leave, except for any terms relating to the choice of leave (Washington State Legislature 2002).	An employer shall provide a woman a leave of absence for the period of time that she is sick or temporarily disabled because of pregnancy or childbirth. (Wash. Admin. Code § 162-30-020(4a)). ⁷¹
Job Protection	Yes	Yes		Yes
Employer and Employee Eligibility	Employers must employ at least 25 employees who have been employed for at least 680 hours during the individual's qualifying year (Washington State Legislature 2007).	Employers who employ 50 or more employees for at least 20 workweeks annually within 75 miles of the employee's worksite and employees who have worked for the employer for at least 12 months (the months do not need to be consecutive) and have worked at least 1,250 hours during the last 12 months before the leave is to begin (Washington State Department of Labor and Industries 2010a).	All employers who provide a paid leave benefit are covered under the Family Care Act (Washington State Department of Labor and Industries 2010a).	Employers with at least 8 employees, not including not-for-profit religious or sectarian organizations; all employees except those employed by his or her parents, spouse, or child, or in the domestic service of another person (Wash. Rev. Code § 49.60.040(10-11)).

⁶⁹ FLA leave must run after the pregnancy disability leave has ended. This means that a woman who qualifies for FLA leave will likely have at least 18 weeks of total leave, which is more than that provided by the Federal Family and Medical Leave Act (Washington State Family Leave Act Q&A, March 2010).

⁷⁰ Employment protection under Family Leave Insurance is only available to an employee if the employer from whom the employee takes family leave employs more than 25 employees and the employee has been employed by that employer for at least 12 months and for at least 1,250 hours during the previous 12 months (Washington State Legislature 2007).

⁷¹ Pregnancy disability leave required by the Washington State Human Rights Commission regulations is in addition to any other leave for which a woman may be eligible (Wash. Admin. Code Title 162, Ch. 162-30, § 162-30-020(4d)).

Other Family Leave Laws	Leave for Victims of Domestic Violence, Sexual Assault, & Stalking – victims can take reasonable leave from work for legal or law-enforcement assistance, medical treatment/counseling in a domestic violence shelter or rape crisis program, or for safety and relocation issues. Family members⁷² may do the same to help a victim obtain treatment or services. Leave is unpaid but employees may substitute accrued paid leave. All employers are covered regardless of size (Washington State Department of Labor and Industries 2010a). Leave for Spouses of Deployed Military Personnel – spouses or domestic partners of military personnel (National Guard, active duty, or reservists) deployed or on leave from deployment during military conflict may take 15 days of unpaid leave per deployment (except at the end of deployment). Employees can choose to use accrued leave as a substitute. All employers are covered regardless of size and covered employees must work at least 20 hours a week on average (Washington State Department of Labor and Industries 2010a). Leave for Certain Emergency Services Personnel – job protection for volunteer firefighters, reserve peace officers, and Civil Air Patrol members in certain emergency situations⁷³ where they must miss or be late for work (Washington State Department of Labor and Industries 2010a).
	Wisconsin
	Wisconsin Family and Medical Leave Act
Law/Program	Wisconsin Family and Medical Leave Act
Paid Benefits	Employees can substitute accrued paid or unpaid leave of any other type that is provided by the employer (State of Wisconsin 2011).
Funding	Not applicable
Eligible Reasons for Leave	For the birth of a child, placement of a child for adoption or foster care; to provide care for a parent, child, spouse, or domestic partner with a serious health condition; or for the employee's own serious health condition (State of Wisconsin 2013).
Length of Leave	In a calendar year: up to 6 weeks for birth or adoption; up to 2 weeks for one's own serious health condition; up to 2 weeks to care for a parent, child, or spouse with a serious health condition (State of Wisconsin 2013).
Job Protection	Yes
Employer and Employee Eligibility	Employers with 50 or more permanent employees during at least 6 of the preceding 12 calendar months and employees who have worked at least 1,000 hours for the employer during the preceding 52 consecutive weeks (State of Wisconsin 2013).

⁷² Family members include a child, spouse, parent, parent-in-law, grandparent, or person the employee is dating (Washington State Department of Labor and Industries 2010a).

⁷³ Eligible emergency situations refer to when the emergency responder is called to a fire/emergency/or emergency services operation and they are asked to remain at the scene by an incident commander and, as a result, they miss or are late for work (Washington State Department of Labor and Industries 2010a).

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Women and Work: 50 Years of Change since the American Women Report

By Lisa Maatz and Anne Hedgepeth

This paper was prepared with funding from the U.S. Department of Labor. The views expressed are those of the authors and should not be attributed to the Federal Government or the Department of Labor.

Introduction

When the President's Commission on the Status of Women published its report *American Women* in 1963, there was much to be celebrated with regards to women's status in the United States. Women were living longer than ever and more of them were a part of the labor force than at most times in recent history. The civil rights movement had placed equal opportunity as the ideal in the workplace, at home, and in all facets of life. Yet in the workforce, women had a long way to go. Many jobs were essentially off-limits to women, including doctor, lawyer, and many types of businesses. While a few remarkable women pursued these fields, the majority of women worked as teachers, nurses, maids or secretaries.

Fifty years later, women's gains are considerable. More women are a part of our labor force than in 1963, and women are more likely to be the primary breadwinner for their families than they were then. Women are matriculating from higher education in larger numbers than their male peers. Many goals outlined in *American Women* have been achieved. But the more things change the more they also stay the same. This paper will examine women's participation in the labor force, then and now, and illuminate lingering gender disparities that persist from day one for female workers. Specifically, a persistent concern is that women begin their careers nearly on par with their male counterparts in wages, but fall behind their male colleagues in mid- to late- career. This fact has not changed substantially since 1963, even though postsecondary educational gains have helped women narrow the wage gap. There is much left to be done to ensure the promise of the 1963 report of the President's Commission on the Status of Women.

This paper begins with a brief study of the changing landscape of education and training and its impact on women's work. Next, the paper explores women in the workplace and persistent challenges they face. In addition, the paper examines women and their support for their families as wage earners. The paper concludes with an assessment of policy priorities to help achieve many of the goals set forth in the original *American Women* report.

Section 1. The changing landscape of education and training

Over the past fifty years, the number of women pursuing college education has risen quickly. Since the 1963 report women have shifted to being the majority of students on college campuses and the majority of degree earners. In 1963 around 1.8 million women were enrolled in postsecondary education. They comprised about 38 percent of total enrollment. Only 15 years later, women would reach a tipping point on campus and become half of students enrolled in postsecondary education. Today, almost 12 million women are enrolled and make up 57 percent of total enrollment (Department of Education, 2012, Table 221). In 1980, women also began to earn more Bachelor's degrees each year than men. It took until the mid-1980's for a similar thing to happen among Master's students and until 2004 for doctoral degrees to be also conferred mostly to women (Department of Education, 2012, Table 310).

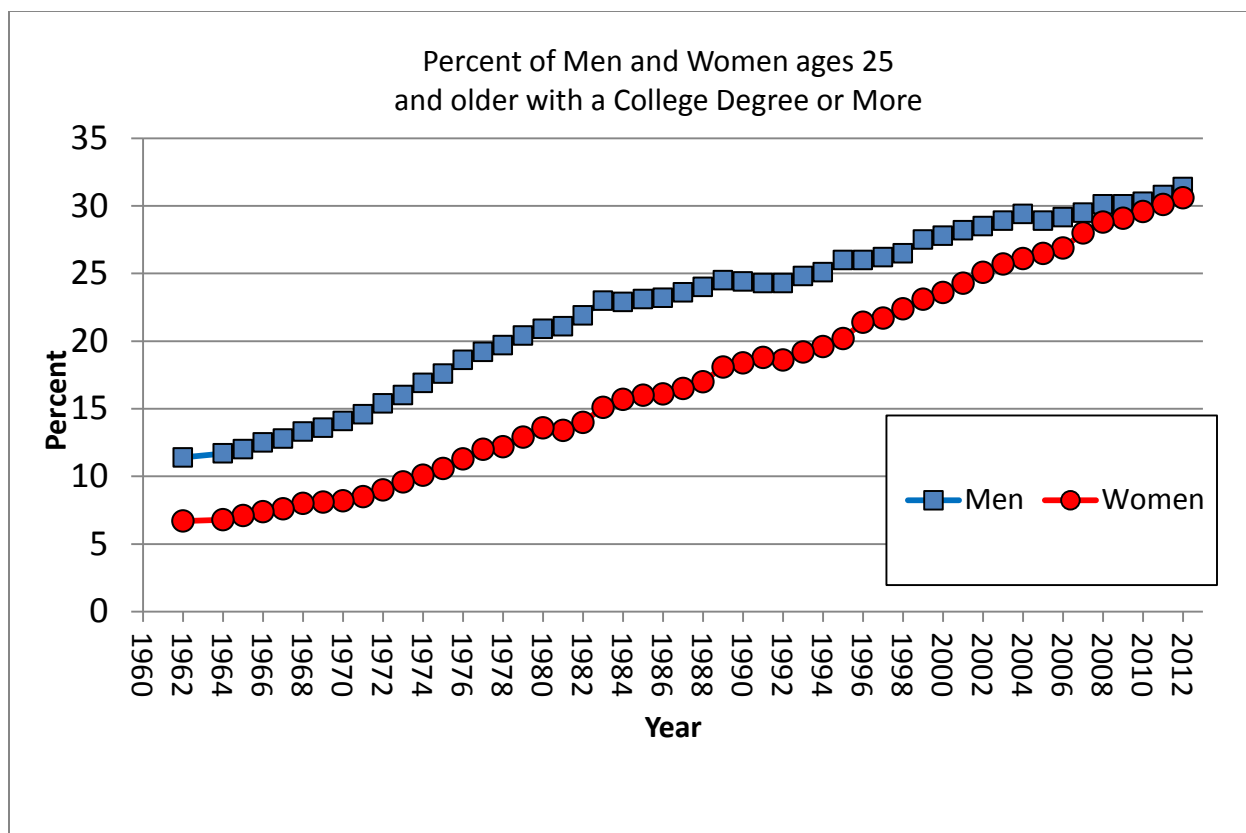


Figure 1: EDUCATION CHART

Source: 1962-2002 March Current Population Survey, 2003 to 2012 Annual Social and Economic Supplement to the Current Population Survey (noninstitutionalized population, excluding members of the Armed Forces living in barracks)

Community colleges, previously more often also known as junior colleges, have always served an important role for women. Today there are over 1,000 community colleges in the United States, and they enroll almost one-third of all students pursuing postsecondary education. Today, more than 4 million women attend community college, and more than 1 million of those students are also mothers (AAUW Women in Community Colleges).

For traditionally female careers, such as teaching and nursing, at least a two-year degree has become minimal, with four-year degrees a much more prevalent standard for entry level employment (Department of Labor, 2012). Additional education is a key contributor to

women's economic security. More education is an effective tool for increasing earnings – at every additional level of academic achievement, women's median pay increases (Simple Truth, 2013, p13). In addition, women have also found that education and training continues to pay off by providing better employment opportunities overall. In 2012, women with less than a high school degree had an unemployment rate of around 14 percent. This stands in stark contrast to women with an associate's degree, whose unemployment rate was around 6 percent, and women with a Bachelor's degree or higher, whose unemployment rate was around 4 percent (DOL Employment, 2013). In addition, households with wage earners who have at least a college degree have seen their incomes grow on a per household basis between 1991 and 2012. Household income increased 9 percent for those whose highest education level was a Bachelor's degree, whereas household incomes have declined for households who do not have at least a Bachelor's degree (Pew Research Center, 2013).

Women are also entering traditionally male careers in larger numbers. These include occupations that require four-year degrees, but also jobs where some postsecondary education, such as a certificate or credential or a 2-year degree are necessary. In the 1970's and 1980's women moved into occupations such as mail carrier, elevating their presence from only 6.8 percent in the 1970's to almost 35 percent in 2009 (IWPR 2010). Among careers that require more education, becoming a dentist or a lawyer has become far more common for women than it was in 1970 (IWPR 2010). While some occupations have seen increases in the participation of women, efforts to move young women into some nontraditional careers, such as carpentry, plumbing, and other construction-related fields, have not been as successful. In

addition, there are some growing science, technology, engineering, and mathematics fields that remain segregated by gender despite women's additional educational attainment.

While education opens doors in the workforce for women, not all college degrees are the same. Women tend to major in "female" fields such as psychology, health fields (nursing), and social science, while men are more likely to pursue computer science or engineering. Overall, women tend to be underrepresented in Science, Technology, Engineering and Mathematics (STEM), especially at the higher levels. A highly educated and technologically sophisticated workforce is critical to our nation's ability to compete and innovate. Encouraging girls' interest in STEM fields, as well as encouraging more women to pursue and stay in STEM careers is widely viewed as a desirable goal. By 2018, 1.4 million computer specialist job openings are expected to exist in the U.S. labor market, but U.S. universities will only produce enough graduates with computer science Bachelor's degrees to fill 29 percent of these jobs (National Center for Women and Information Technology, 2009).

Education can be the key for women to enter-high paying and high-demand careers, but for young women today, education also equals student debt. Most research indicates that a college degree pays for itself over time, but many students are graduating with high levels of student loan debt burden, which impacts their future economic security. Women in particular grapple with this issue as a result of the gender pay gap. The pay gap impairs women's ability to repay their loans at the same rate as their male counterparts. Among 2007-08 college graduates, women and men borrowed similar amounts of money to finance their educations – about \$20,000. But, more women than men were likely to borrow money to attend school. Moreover, women tend to earn less than men when they graduate. Thus student loan debt

burden is a particularly widespread problem among women (Graduating to a Pay Gap, 2012, 24). Among recent graduates working full-time in 2007-08, women were more likely than men to be paying more of their income than a typical woman or man could afford (Graduating to a Pay Gap, 2012, 26).

Over time the success of women in our higher education system is something to be cheered; women with additional education are more economically secure and have better job opportunities when they leave school than those without the same education and training. But, continued gender segregation in education programs remains a problem for women graduates, something that was the case in 1963 as well. In addition, the staggering impact of student debt on women in particular handicaps graduates straight out of the starting gates of their careers.

Section 2. Pay Gap Persists

Fifty years after the Equal Pay Act was passed and the *American Women* report was issued, women continue to earn less than men do in nearly every occupation. Because pay is a fundamental part of everyday life, enabling individuals to support themselves and their families, the pay gap evokes passionate debate. The *American Women* report focused on this gap, highlighting that women at the time were earning only 59 percent of what men were, on average. In the following years women made great strides towards closing the gap – by 1983 women were being paid 64 percent of what men were, on average, and by 1993 were being paid 72 percent of what men were. The trend over the 25 to 30 years following the 1963 report would have instilled hope in those working to close the gap completely. Unfortunately the trend over the past 10 years is far less encouraging. The pay gap has stagnated. Again in 2012,

as has been the case for practically 10 years, women working full time were paid only 77 percent of what men were paid (DOL CPS 2012).

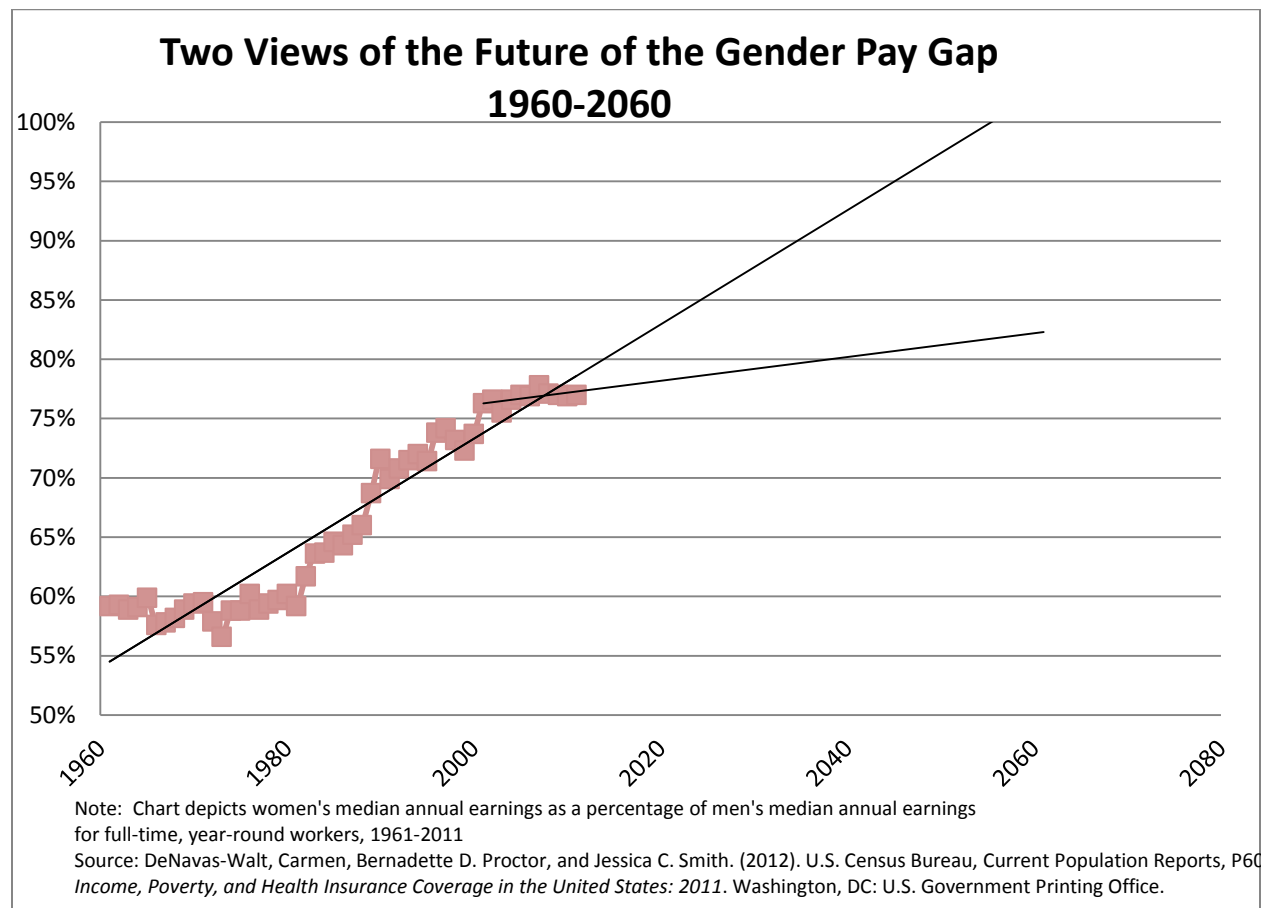


Figure 2: CHART OF PAY GAP OVER TIME

The gender pay gap has far-reaching consequences for women and their families. According to one estimate, college-educated women working full time earn more than half a million dollars less than their male peers do over the course of a lifetime (AAUW *Graduating to a Pay Gap* 2012). The 1963 report identified key factors behind the pay gap: occupational segregation, education, family and caregiving responsibilities, and impediments to hiring and promotion (Report on Private Employment 1963, 34). Unfortunately, many of the same factors are still at work today in 2013, although some progress has been made.

Behind the Pay Gap

The gender pay gap for college-educated women begins within the first year following graduation. AAUW's report *Graduating to a Pay Gap* found that women were paid just 82 percent of what their male counterparts were paid only one year after college (*Graduating to a Pay Gap*, 2012). After accounting for factors known to contribute to the gender pay gap, such as major, occupation, sector, and hours worked, the gap narrowed but still persisted – 7 percent of the difference in earnings between men and women one year after graduation was still unexplained (*Graduating to a Pay Gap*, 2012). The pay gap continues to grow throughout women's careers (*Behind the Pay Gap*). This tells us that while women's educational gains have helped to improve their economic security through increased earnings and helped to close some of the gender pay gap over time, inequities in earnings persist and cannot be explained by choices alone. In addition, factors such as education, occupational segregation, family and caregiving responsibilities, and impediments to hiring and promotion, also influence the gender pay gap, as explained in the following section.

Education and the Pay Gap

As a rule, earnings increase as years of education increase for both men and women. This has, in part, contributed to the decreasing pay gap over time between men and women. Unfortunately, while more education is an effective tool for increasing earnings, it is not an effective tool against the gender pay gap today. Indeed, the pay gap remains between men and women at every level of educational attainment. And the pay gap is largest between men and

women without a high school diploma, as well as between men and women with a Doctoral degree, with women with a Doctoral degree earning 80 percent of what men with a Doctoral degree earn (Simple Truth, 2013, p13).

Occupational Segregation and the Pay Gap

Women have made great inroads into higher levels of education, but they have done so largely without desegregating the various fields of study (Graduating to a Pay Gap, 2012, 13). Even when comparing men and women in the same field of study, the wage gap exists. Women and men still find themselves working in different kinds of jobs, and occupational segregation between men and women is present from the beginning of their careers.

In 1963, the *American Women* report noted that women represented more than three-fourths of the workers in the nursing, bookkeeping, teaching, and secretarial fields, among others (Report of the Committee on Private Employment, 1963, p44). Today, as was the case in 1963, women are still more likely than men to work as secretaries, teachers, social services professionals, and nurses and other health care providers (DOL Occupations for Women, 2010). It is worth noting that some jobs that were not female-dominated in 1963 have since become so. In *American Women*, bank tellers are listed as an example where women earned less than men for the same job. Today, women make up 85 percent of those workers employed as bank tellers (DOL Databook). Men today are more likely than women to work in business and management occupations; math, computer, and physical science occupations; engineering; and “other,” mainly blue-collar, occupations (Graduating to a Pay Gap, 2012, 15). While many

predominately male occupations pay better and have a smaller pay gap than some traditionally female occupations, the pay gap still persists even in those jobs (Graduating to a Pay Gap, 2012, 17). The pay gap among professionals varies substantially, with women financial managers making 70 percent as much as their male peers and female counselors actually out earning their male counterparts.

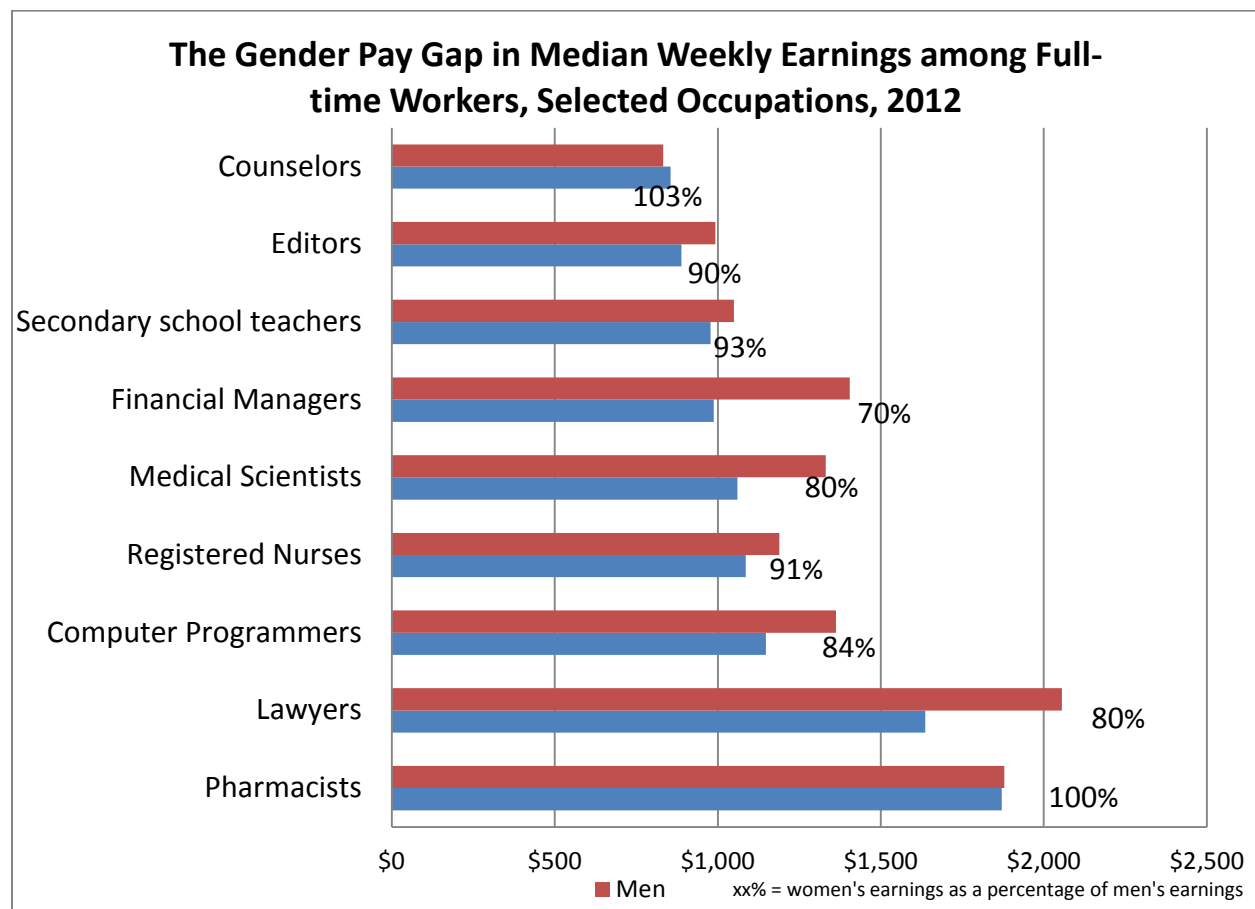


Figure 3: Gender pay gap among full-time workers in selected occupations.

While occupational segregation certainly contributes to the overall gender pay gap, it also limits our country's economic growth and success. If women and members of other traditionally underrepresented groups joined the STEM workforce in proportion to their representation in the overall labor force, the domestic shortage of these professionals would disappear

(Congressional Commission on Women in STEM, 2000). Women made up 57 percent of professionals in the 2008 U.S. workforce, but only 24 percent of professional IT-related occupations were held by women (National Center for Women and Information Technology, 2009).

Family and Caregiving Responsibilities and the Pay Gap

Women are still more likely to be caregivers and to take time off from the workforce than men are. This theme was raised in the 1963 report, where career interruption is noted as a double-edged sword for many women. While it was a reality for many, it also created a generalized bias that women working would eventually have to be homemakers and would be less reliable than male employees due to their family obligations. Unfortunately, this type of stereotypical view of women workers continues to persist in pay and promotion disparities that continue to impact most women throughout their lives. Experimental research has documented that employers are less likely to hire mothers compared with childless women, and when employers do make an offer to a mother, they offer her a lower salary than they do other women. Fathers, in contrast, do not suffer a penalty compared with other men (Simple Truth, 2013, p9). Parenthood affects men and women very differently in terms of labor force participation and how they are viewed by employers, and that difference may be reflected in a worker's salary.

Impediments to Hiring and Promotion and the Pay Gap

Gender discrimination, overt and subtle, persists in American workplaces. It occurs when employers and co-workers treat women in a particular way because they are women rather than on the basis of individual merit. In 2011 alone, the federal Equal Employment Opportunity Commission (EEOC) received more than 28,000 complaints of sex discrimination, an increase of about 18 percent compared with a decade earlier. Although the EEOC will not find all of these cases to have merit, each year millions of dollars are awarded to individuals who file sex discrimination claims (AAUW Graduating to a Pay Gap, 2012). In addition to EEOC cases, some additional sex discrimination claims are resolved through the courts. But, it is likely that many more women who face circumstances similar to those found in the cases that are litigated do not bring charges or file lawsuits against their employers. The resolutions and awards associated with these cases each year demonstrate that gender discrimination in the workplace continues to be a significant problem (AAUW Graduating to a Pay Gap, 2012). A wide body of research demonstrates that a considerable number of men and women continue to hold biases – often unconscious – against women in the workplace. Persistent biases and discrimination can influence both the explained and unexplained portions of the gender pay gap. Since discrimination is difficult to measure directly – and other factors may be at play – we do not know how much of the unexplained pay gap is due to discrimination. But, where discrimination contributes to something we can and do measure, such as occupational segregation where employers hire men into certain jobs and women into others, this portion of the pay gap may be capturing some discrimination at play (AAUW Graduating to a Pay Gap, 2012).

Ultimately, the gender pay gap is an aspect of women's experience in the workforce identified by the 1963 President's Commission report that has not disappeared in the 50 years since the report was issued.

Section 3. Women are breadwinners, but don't make enough bread.

Women have long been economic engines for our country. In 1963, eight out of ten women were in paid employment outside the home at some time during their lives (*American Women*, 1963, p6). At the time of the President's Commission report, one worker in three was a woman, which meant there were almost 23 million women at work outside of the home. Around three out of five women workers were married, and nearly one in three married women were working. Women's participation in the labor force has always been high among women of color, immigrants, and low-income women (Center for American Progress, 2012). Nearly one in two married women of color was working in 1963 (*American Women*, 1963, 27).

Just following the end of the most recent recession, in July 2009, the National Bureau of Economic Research found that women made up half of all workers on U.S. payrolls (Center for American Progress, 2012). Though that number has fluctuated minimally as jobs continue to be added and the economy recovers, in February 2012 women still comprised about half, around 49.3 percent, of U.S. payrolls (Center for American Progress, 2012). Married women made up only about half of women workers in 2011, and about 57 percent of married women were working (DOL Women Databook Table 4).

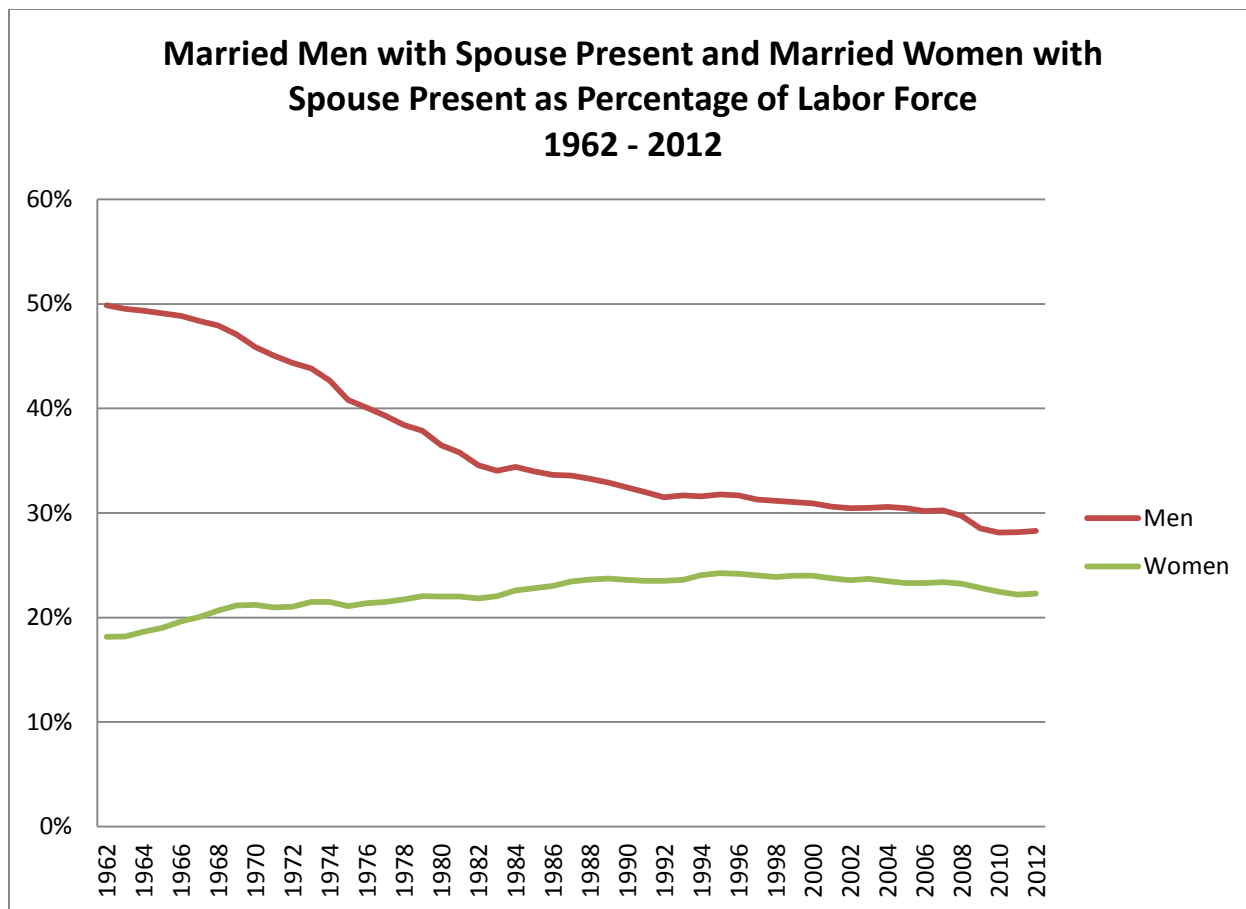


Figure 4: Married Women and Men

The economic security of America's families is inextricably linked to women's economic security. This was a trend that was already developing in 1963, when married women made up around 20 percent of the labor force. As the *American Women* report noted, almost three million mothers of children under 6 worked outside the home, although there was a husband present (*American Women*, 1963). At that time it was a departure that more mothers were working, but today it has very much become the norm. By 2011 that number had more than doubled – over 6 million mothers of children under 6, with a husband present, worked outside

the home (DOL Women Databook Table 6). Over 23 million mothers with children under the age of 18 are employed today (Department of Labor, 2011).

Families increasingly rely on women's wages to make ends meet, and more women are breadwinners in today's American families than were in 1963. In typical married households, women's incomes accounted for 37.6 percent of total family income in 2010, up from 26 percent in 1970 (DOL Women Databook Table 24). Thirty four percent of working mothers are their families' sole breadwinner (Joint Economic Committee, 2010). In addition, among married couple families, 54 percent had earnings from both wife and the husband in 2010, compared with 44 percent in 1967 (DOL Women Databook Table 23). In 1987, almost 18 percent of working wives whose husbands also worked earned more than their spouses. In 2010, over 29 percent of working wives were paid more than their working husbands.

Women are increasingly co-breadwinners, with their families relying on their incomes. In the past 20 years, married couples with a working wife enjoyed average annual income growth of 1.12 percent per year. In contrast, married couples with a stay-at-home wife saw their average annual incomes decrease by 0.22 percent per year (Joint Economic Committee, 2010). In addition to the changing dynamics within married couple households, since 1963 societal changes have led to more single parent households – a majority of which are headed by women (CPS, 2012). That women contribute to the economic security of their families across family demographics is a clear trend.

Ultimately, then, negative impacts on the wages women are paid have implications for their families. As primary and co-breadwinners, when women don't bring home enough "bread" their families suffer. This happens for a myriad of reasons, but we do know that

women are more likely than men to be in poverty (Center for American Progress, 2008). In many cases, women in poverty are the sole head of household for their families. The gender pay gap contributes to their diminished wages, and this starts immediately after they enter the workforce (AAUW Graduating to a Pay Gap, 2012). In addition, caregiving responsibilities may cut into their wage-earning capacity, and inflexible workplaces may make it particularly difficult for women to balance both (Center for American Progress, 2008).

Section 4. Workplace Policies Impacting Women

As the 1963 report was issued, Congress had just passed, and President Kennedy had signed, a bill to ensure that male and female workers performing substantially equal work in the same establishment receive equal pay. The Equal Pay Act acknowledged many of the same things the report sought to spotlight: that women continued to work in different occupations than men, and that in some cases they were barred from employment in certain jobs and in others were paid less for the same work. Recommendations to pass legislation to end discrimination by gender in employment were included in many sections of the *American Women* report. At the time, fewer than half of all states had already taken steps to end practices that discriminated against women and limited their job opportunities. In addition, research gathered by the President's Commission on Women indicated that 1 out of 3 companies had dual pay scales for men and women (*American Women*, 1963, p28). As the report explained, some discriminatory practices were contained in common law, some in statute, some in court decisions, and others in practice only.

Pay Equity

Since enactment of the Equal Pay Act, we have seen shifts in women's participation in the labor force, as well as improvements in the working conditions they face. Congress and the President have sought in several ways to help limit discrimination in the workplace. Following passage of the Equal Pay Act, which has provided options to women who are discriminated against when performing substantially equal work as their male colleagues, Title VII of the Civil Rights Act, enforced by the U.S. Equal Employment Opportunity Commission, and Executive Order 11246 have also helped to open doors for women in the workplace. Title VII of the Civil Rights Act has been helpful in providing options beyond equal pay for substantially equal work. In 1981, in *County of Washington v. Gunther*, the U.S. Supreme Court ruled that the Bennett Amendment (Sec. 703(h)) of Title VII does not restrict Title VII's prohibition of sex-based wage discrimination to claims of equal pay for equal work. According to a 1985 Equal Employment Opportunity Commission decision, claims of sex-based wage discrimination may be proved by evidence of (1) the discriminatory application of a wage policy or system or the discriminatory use of wage-setting techniques such as job evaluations or market surveys, (2) barriers to equal access to jobs, or (3) the preponderance of direct or circumstantial evidence that wages are intentionally depressed because of the occupants of the job (EEOC Decision No. 85-8, June 17, 1985, as reissued July 12, 1985). Title VII was updated in 2009 with the passage of the Lilly Ledbetter Fair Pay Act, which was the first bill President Barack Obama signed into law. The Lilly Ledbetter Fair Pay Act restored the interpretation of the law that pay discrimination occurs not only when pay decisions are made, but also every time employees are subjected to that pay discrimination. This was an important decision which helps to keep courtroom doors open for

women who are filing suit.

Executive Order 11246 speaks specifically to a recommendation in the 1963 report – that work done under federal contracts should ensure nondiscrimination (*American Women*, 1963, p60). The Executive Order prohibits federal contractors and federally-assisted construction contractors and subcontractors who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin. The Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) enforces the Executive Order. OFCCP's jurisdiction covers approximately 26 million or nearly 22 percent of the total civilian workforce (DOL Facts on Executive Order 11246 – Affirmative Action).

But, the Equal Pay Act, Title VII, and other federal provisions, have not been enough to fully curtail stereotypes and the practices that accompany them, which often restrict women as they move through their careers. In addition, the pay gap limits women's choices, from where they live to their educational choices, and the futures of their families (*AAUW Graduating to a Pay Gap*). Understanding the persistent pay gap shows us that discrimination likely still exists. Advocacy groups such as AAUW argue that the proposed Paycheck Fairness Act is needed to improve upon the Equal Pay Act and other laws. The Paycheck Fairness Act would require employers to prove that pay disparity is based on a legitimate business reason not related to gender, or due to seniority, merit, or productivity. It would also strengthen deterrents to pay discrimination and prohibit retaliation against workers who discuss their pay with one another or ask about pay practices.

Minimum Wage

Also contributing to the overall lower earnings of women was, and still is, their predominance in minimum wage occupations. In 1963, 6 million women were employed in work not covered by minimum wage legislation. Several million women at the time earned less than \$1 an hour – they were working primarily in service occupations and domestic trades (*American Women*, 1963, 63). Since 1963, major advances have been made in the coverage and rate of the federal minimum wage (Department of Labor Min Wage Doc). But today, women still represent nearly two-thirds of U.S. workers earning the minimum wage or less. In 2013, a woman working full-time, year-round at the federal minimum wage of \$7.25 per hour, earned just \$14,500 annually — more than \$3,000 below the poverty line for a family of three. Continuing from 1963 to today, there are still many occupations dominated by women which are not covered or have different consideration under the federal minimum wage. For example, today women also represent two-thirds of workers in tipped occupations such as restaurant workers, where the minimum cash wage has been frozen at \$2.13 per hour for more than 20 years. Continuing to improve our federal minimum wage law to keep pace with inflation and include all occupations would have a meaningful impact on the economic security of women and their families. This was true in 1963 and remains true today.

Child care and Family Leave Central to Agenda for the Future

Finally, as the 1963 report explains, for women to truly be full participants in the workforce paid parental leave or comparable insurance should be provided for all workers (*American Women*, 1963, 43). This finding from the *American Women* report remains a key

policy priority to advance women's economic security. While paid parental leave is important due, in part, to the fact that over 23 million mothers with children under 18 work outside the home (DOL Databook Table 6), leave to cover all family caregiving responsibilities has become even more of a necessity as the current workforce, particularly women workers, becomes responsible for providing care to their aging parents. In 2009, about 61.6 million Americans provided care to an adult at some time during the year (AARP 2011). A key policy advance was made in 1993, 30 years after the report, when the Family and Medical Leave Act was signed into law, providing most workers job-protected, family and medical leave to care for a loved one or themselves. Unfortunately, FMLA leave is unpaid. Many workers find that they cannot use FMLA leave because they cannot afford to go without a paycheck. Also, about 40 percent of the workforce is not eligible for leave under the FMLA. Finally, FMLA does not cover leave (sick leave) for short-term non-serious illnesses, such as the flu or a cold, which last for only a day or two. Workplace policies must catch up to the reality that all employees need the capacity to balance work and life demands.

Conclusions

Important changes in women's role in the workplace have occurred since 1963. Women are obtaining additional education and training, participating in the labor force in higher numbers, entering higher-paying occupations – even those that used to be dominated by men—and families are increasingly relying on women's earnings to be economically secure. But, similar to 1963, barriers remain that perpetuate deeply entrenched occupational segregation, a gender pay gap, discrimination in the workplace, and inflexible policies that make it harder for workers to balance work and family responsibilities. Without meaningful changes to our workplace

policies to catch up to the changing makeup of our workplaces and needs of our workers, women will continue to struggle with barriers to their success.

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Policy, education and social change: fifty years of progress

By Catherine Hill and Erin Prangley

This paper was prepared with funding from the U.S. Department of Labor. The views expressed are those of the authors and should not be attributed to the Federal Government or the Department of Labor.

Fifty years ago, President Kennedy created the President's Commission on the Status of Women ("Commission") to conduct a comprehensive analysis of the status of women in America and produce recommendations for advancing women in the workplace and throughout society. Significantly, the Commission began its report with the topic of education. At the time, women were a minority of students on college campuses and a small fraction of students in business, law, and medicine. Educating women was viewed as a logical way to effect change and open doors for women in the workplace. Today, women make up a majority of college students and nearly half of students at professional schools. Yet in some areas, including women's inclusion in science, technology, engineering, and mathematics, we still fall short.

As a participant in the 1963 Commission, the American Association of University Women (AAUW) is especially pleased to participate in this retrospective of the Commission's work. This paper begins with educational conditions in the 1960s and then focuses on the most notable educational gains and shortfalls of the past five decades. The impact of women's educational gains on occupational choice and pay are explored, followed by a discussion of the role of public policies in these educational advances. The paper concludes with new and old challenges facing girls and women, including the rising costs of higher education and the underrepresentation of women in science, technology, engineering, and mathematics.

Gender Equity in Education: the Past

In 1963, the gender gap in education was substantial, most notably in higher education. The Commission's Report states:

"Because too little is expected of them, many girls who graduate from high school intellectually able to do good college work do not go to college. Both they as individuals and the Nation as a society are thereby made losers." (p. 4)

In 1962, few Americans aged 25 and older had a college education, including 7 percent of women and 11 percent of men. Adults aged 25-29 were more likely to be college-educated than the population as a whole, but the proportions were still small relative to modern measures, with only 9 percent of women and 17 percent of men being college graduates. Among those graduating in 1962-63, women were awarded 41% of the Bachelor's degrees, 32%

of the Master's degrees, and 11% of the PhD degrees (U.S. Department of Education, National Center for Education Statistics, 2004, Table 247).

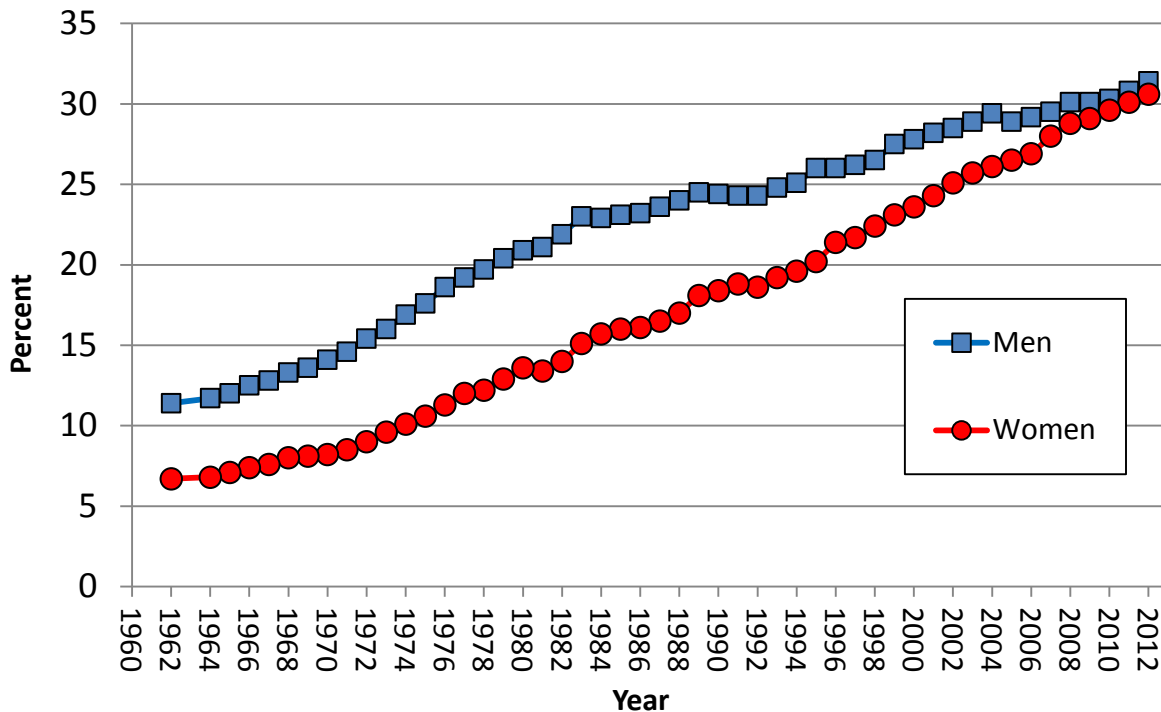
At the time of the Commission's Report, women were underrepresented at all levels of graduate education and overwhelmingly underrepresented at professional schools.

The 1963 Commission report recognized that improving educational attainment was essential for meaningful progress in the workforce. The Commission Report presented both traditional and modern arguments for women's advancement. For example, the Commission noted that a woman needed to continue her education in one form or another "in order to provide assistance, companionship and stimulation needed by her husband and by her children as they develop" (p. 10). This was presented as a reason for educating women, along with the fact that most single women worked for a large part of their lives and many young widows and married women from low-income families worked outside the home even when they had young children (Report, p. 10). Without adequate education or vocational training, women would be underemployed and unable to support themselves or their families. The Commission placed special emphasis on the need for postsecondary education for women.

Gender Equity in Education: The Present

The 1963 Commission Report's emphasis on higher education was prescient. During the past five decades, Americans have invested in higher education in record numbers, and women have made especially large gains. As noted earlier, in 1962, a year before the Commission's Report, 11 percent of men and 7 percent of women ages 25 and older had at least a college degree. Today, about one-third of both women and men ages 25 and older have completed at least a four-year college degree. The proportion of men with a college degree has risen steadily, but the proportion of women with this credential has risen more quickly. Today, women and men are equally likely to have a college degree or more.

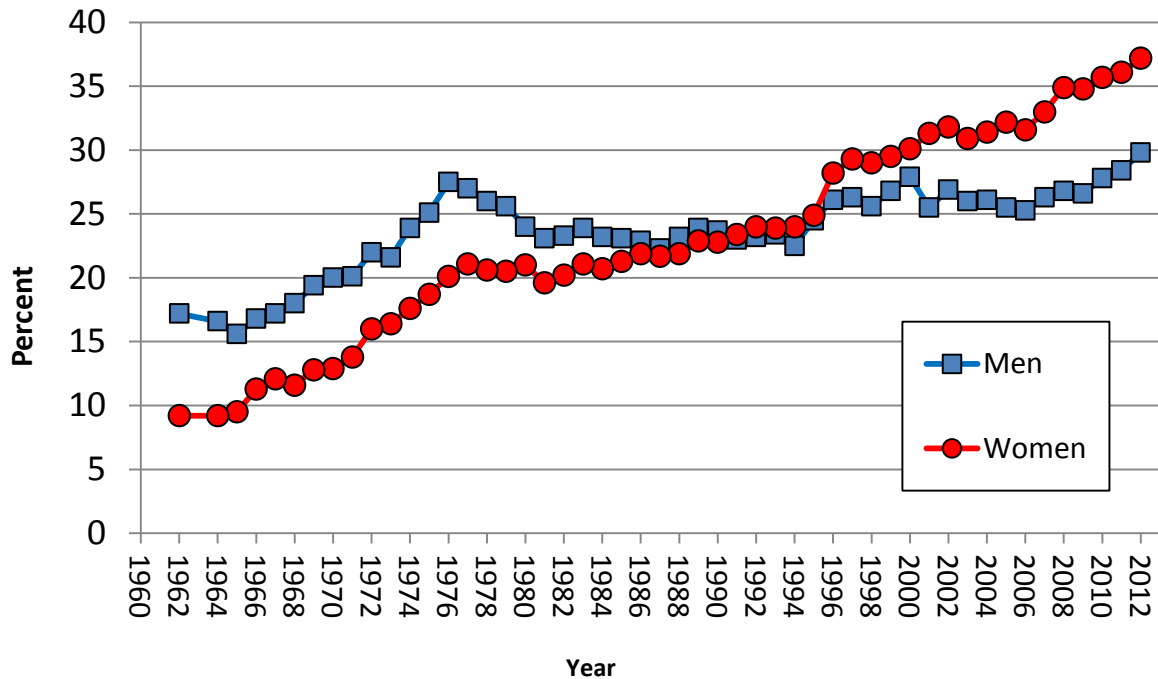
Figure 1. Percent of Men and Women ages 25 and older with a College Degree or More



Source: 1962-2002 March Current Population Survey, 2003 to 2012 Annual Social and Economic Supplement to the Current Population Survey (noninstitutionalized population, excluding members of the Armed Forces living in barracks)

The trends are even more impressive among younger adults (Figure 2). Among individuals aged 25-29, women are more likely than men to have earned a college degree. Thirty-seven percent of women aged 25-29 hold a college degree today compared with 30% of their male peers. In contrast, men were more likely than women to have a college degree in 1962 by a similar margin. Assuming that current trends continue, we can shortly expect women to outpace men in college attainment within the full population. Among young adults ages 25-29, women are now more likely than men to be college educated.

Figure 2. Percent of Men and Women ages 25-29 with a College Degree or More



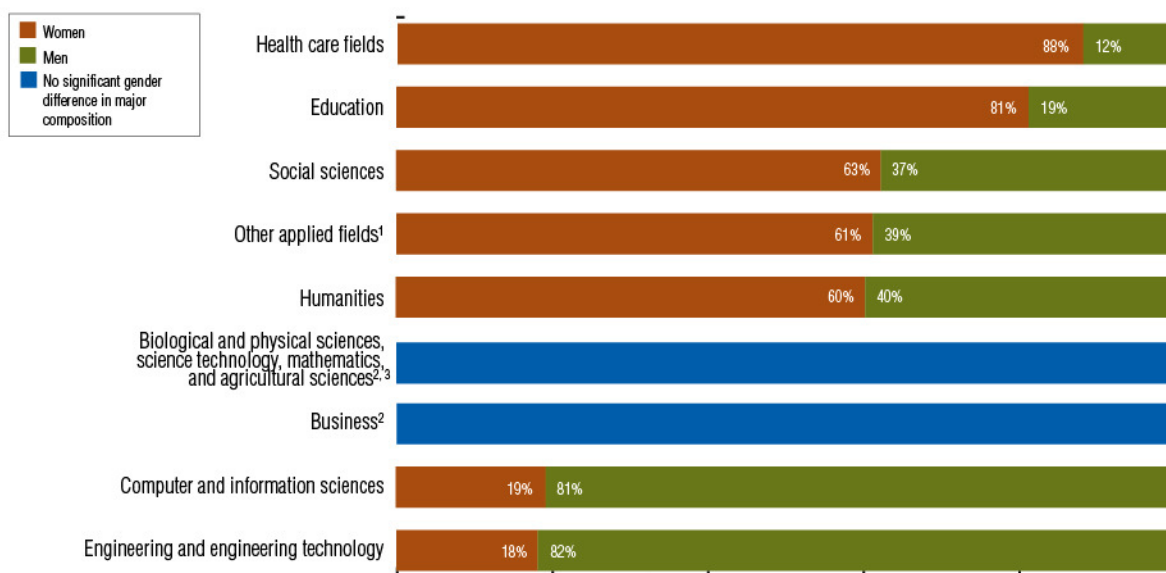
Source: 1962-2002 March Current Population Survey, 2003 to 2012 Annual Social and Economic Supplement to the Current Population Survey

As more women have earned college degrees, the number of women pursuing law, business, medical, and graduate degrees has grown. Today, women are earning nearly half of the degrees in many professional fields. For example, in academic year 1959-1960, women made up five percent of the graduating class for medical schools, three percent for law schools, and less than one percent of graduates from schools of dentistry (U.S. Department of Education, National Center for Education Statistics 2013). In academic year 2011-2012, women accounted for 47 percent of graduates from law schools, 48 percent of graduates from medical school and 45 percent of the graduating class for schools of dentistry.

Women are the majority of college students, but they do not dominate all fields of study. As seen in Figure 3 below, women tend to major in health care and education, while men are more likely to major in computer science and engineering. Women and men are about equally likely to major in business and biological and physical sciences, and women are the majority of

students in the social sciences and the humanities. These data illustrate that the persistence of “sex stereotyping” is still at play on college campuses.

FIGURE 3. Gender Composition of College Majors



Note: This chart shows undergraduate majors among 2007–08 bachelor's degree recipients and excludes graduates older than age 35 at bachelor's degree completion.

Source: Authors' analysis of U.S. Department of Education, National Center for Education Statistics, *2008–09 Baccalaureate and Beyond Longitudinal Study* data.

¹ Includes architecture, communications, public administration and human services, design and applied arts, law and legal studies, library sciences, and theology and religious vocations.

² Women and men each make up about half of graduates who majored in these fields. Percentages are not significantly different for men and women ($p < 0.05$, two-tailed t -test).

³ Although these majors are gender balanced as a group, the representation of women varies substantially among the majors included in this category. Women are more likely than men to major in the biological sciences, and men are more likely to major in the physical sciences, agricultural sciences, and mathematics (National Science Foundation, 2011, table 5-1).

Indeed sex segregation by field is more pronounced than this figure conveys, because sex segregation occurs within subfields as well. For example, the “biological and physical sciences, science technology, mathematics and agricultural sciences” in Figure 3 is broad, and when we pull apart different components, differences by gender are apparent. Specifically, men are much more likely than women to go into physics while women are most heavily represented in the biological/agricultural sciences.

Not all women benefitted equally from this “education surge.” Hispanic women are especially underrepresented in American colleges, together with Hispanic and African American men. At the K-12 grade level, a considerable achievement gap separates African American and Hispanic students from their White and Asian-American peers, reflecting differences in educational access and other factors. Overall, children from low- or moderate-income families are less

likely to pursue and graduate from college than their higher-income peers (Corbett, Hill and St. Rose, 2008). Still, educational attainment for women in all racial and socio-economic categories has generally increased, albeit not to the same extent.

Title IX: Policy Making a Difference

It is tempting to attribute these successes to the individual women who took the bold step of pursuing an advanced degree in an era when few women did. Indeed, these “first women” played a special role in opening doors for women. But any change of this magnitude requires social as well as individual action. Title IX of the Education Amendments of 1972 was instrumental in opening to women colleges and universities, many of whom had quotas for or were closed to women.

Title IX was a short amendment added to the Education Act of 1972, reading:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...

The law was not viewed as revolutionary for its time, yet Title IX did not pass easily. Activists such as Dr. Bernice Sandler, sometimes called the “Godmother of Title IX,” fought for its passage. Between 1969 and 1971, Sandler filed approximately 250 sex discrimination complaints under a novel cause of action: enforcement of an Executive Order by President Johnson that prohibited sex discrimination within institutions with federal contracts. She organized testimony and collected stories about sex discrimination in education, including the exclusion of women from the University of Virginia, the policy prohibiting married women as students at Georgetown University's School of Nursing, and the fixed quota for women students (two women per year) at Cornell University's School of Veterinary Medicine.

Sandler had many allies in the civil rights community fighting for Title IX. Political leaders such as Representatives Edith Green and Patsy Mink and Senator Birch Bayh advocated effectively

for Title IX, which passed on June 23rd, 1972. The new law made clear that sex discrimination in education would not be tolerated, albeit some exceptions, including single sex education, remained. Colleges and universities could no longer use quotas to restrict the number of female students. Indeed, following the enactment of Title IX, female applicants to colleges and universities surged, especially in professional fields such as law, medicine, and business. Title IX also required schools to accommodate pregnant and parenting students, ending the common practice of asking women to leave school if they became pregnant.

The impact of Title IX has been substantial and on-going. It is best known for its role in opening up athletic opportunities for women and girls at schools receiving federal funds (nearly all do). The rapid growth in athletic accomplishments by girls and women has received the lion's share of political and media attention. Yet Title IX provisions are not directed only toward parity in athletics. Indeed, Title IX requires that educational institutions receiving federal funds address a broad spectrum of issues. For example, Title IX also covers the issue of school "climate," including sexual harassment, to the extent that these issues affected students' ability to get an education. Today, Title IX plays a critical role in prohibiting harassment based on sexual orientation as a form of gender bias. Finally, the law establishes standards for gender equity in all schools, including single-sex schools.

The success of Title IX, along with other educational accomplishments by women, has been so remarkable that some express concern that men are being surpassed. It is rare that a struggle for equality is so successful that there is actually a (perceived) reversal of fortune that is replete in academic and popular writing. For example the Association of American Medical Colleges recently called for a "male pipeline" to encourage more men to pursue medical degrees – despite the fact that women made up only 47 percent of medical school applicants (AAMC 2012, 12). In the fields of computer science and engineering, women remain a distinct minority at every level of higher education.

Many other factors contributed to the educational advances of women over the past five decades. The civil rights movement paved the way for new thinking about women's roles in society and broke down stereotypes about women's intellectual abilities. A vibrant feminist

movement emerged at many colleges and universities, furthering new thinking about gender roles. Ultimately, it was up to individual women to pursue educational opportunities now available to them. These remarkable gains, however, took place in the context of a new social movement and legislation such as Title IX which established new rules for gender equity at all levels of education.

The Perkins Act: Forging New Pathways for Women

In 1984, Congress passed the Carl D. Perkins Vocational and Technical Education Act to fund vocational education programs at secondary and postsecondary institutions across the country. The purpose of the law was to provide high quality career and technical education essential to meeting the needs of the nation's evolving high-tech workplaces.

Originally, the Perkins Act had included programs specifically to help special populations such as displaced homemakers re-entering the labor force, single parents, and students seeking non-traditional employment training — the majority of whom are women. The Act contained state funding requirements that were intended to help ensure women and girls had equal access and opportunity to succeed in vocational education. However, during reauthorization in 1998, these Perkins Act programs were restructured into block grants to states so that they could implement programs based on the state's determination of greatest need. Without explicit direction from the federal government to fund programs for women and other underrepresented groups, few states chose to allocate funding for these purposes. This resulted in program closures and significantly reduced services for women in transition to the workforce.

Today, a different kind of literacy is required to meet the demands of the global economy. Career and Technical Education (CTE), also commonly referred to as vocational or occupational education, has become a vital component of post-secondary education. The majority of CTE students attend community colleges (U.S. Department of Education USDOE, 2008). Students can earn a certificate or an associate's degree in a variety of career-focused programs that

prepare them for what are known as “middle-skill” jobs. “Middle-skill” jobs require more than a high school education but less than a Bachelor’s degree and include jobs in early childhood education, healthcare, and law enforcement, as well as STEM-related fields like agriculture, engineering technology, and automotive technology (Carnevale, Jayasundera, & Hanson, 2012).

However, men and women are concentrated in different middle-skill fields. According to the US Department of Education (2008), in academic year 2007-8, men were nearly three-quarters or more of CTE sub-baccalaureate students in computer and information services, engineering and architecture, and manufacturing, construction, repair, and transportation. Women were three-quarters or more of students in consumer services, education, health services and public, legal, and social services.

Gender segregation in school is reflected in the workforce. In 2009-2010, the most common fields for women with an associate’s degree in career education were business and health (US Department of Education 2010). Nearly two out of three women with an associate’s degree work in these fields. The most popular fields for men with an associate’s degree in career education were business, engineering, and information technology. As should be expected, gender segregation in education contributes to gender segregation in the workplace. Women are more likely to be in healthcare, office occupations, and cosmetology, and men are more likely to work in automotive mechanics, electrical technology, transportation, HVAC (heating, ventilation, and air conditioning) and refrigeration. With the exception of nursing and health-related fields, traditionally-female fields pay less than non-traditional fields for women (Carnevale, Jayasundera, & Hanson, 2012).

In 1963, the Commission pointed to poor career counseling services, and unfortunately, career counseling is still an issue today. Occupational programs at community colleges often rely heavily on assessment tests that more accurately predict men’s educational abilities than women’s (Armstrong, 2000). Counseling based on these tests may reproduce the gender segregation in the workforce by directing women into traditionally female fields and men into

traditionally male occupations (Marini & Brinton, 1984). For example, tests may state that fields like welding and auto mechanics require that individuals be physically fit and able to lift heavy objects, so women are advised not to select these fields because it is presumed that they do not possess those characteristics (Lester, 2010) despite considerable evidence to the contrary. Gender stereotyping in career counseling remains an issue today, in much the same way that the Commission found it in 1963.

A key setback in efforts to promote gender equity in vocational education occurred in 1998. As noted above, funds to address special populations, including women in non-traditional fields and displaced homemakers, were eliminated from the Perkins Act at that time in the hopes that they would be provided by the states under the newly-created Workforce Investment Act of 1998 (WIA). WIA's goals were simple – help workers transition into high-skill, high-wage jobs -- and WIA gave states block grants to implement programs that met these needs. Congress believed the “special populations” that had been served under the Perkins Act could be better served under the new WIA legislation as part of more generic services to “dislocated workers.” However, without the explicit direction from the federal government to fund these programs for women, few states chose to allocate funding, and thus these populations have gone un- or underserved since 1998.

Today, the Perkins Act continues to fund career and technical education programs at secondary and postsecondary institutions across the country. Some of the gender equity provisions in the law have been strengthened to require states to meet targets for placing males and females into programs leading to “nontraditional” occupations (occupations where the disadvantaged sex comprises 25 percent or less of total employment). The law also authorized sanctions and required triggers for state and local improvement plans for not meeting performance measures. Unfortunately, a 2013 study by the National Coalition for Women and Girls in Education recently found that women and girls make up only a small percentage of students enrolled in the majority of programs funded by the Perkins Act that provide training for jobs in high-paying fields. For example, women make up only five percent of students at the secondary

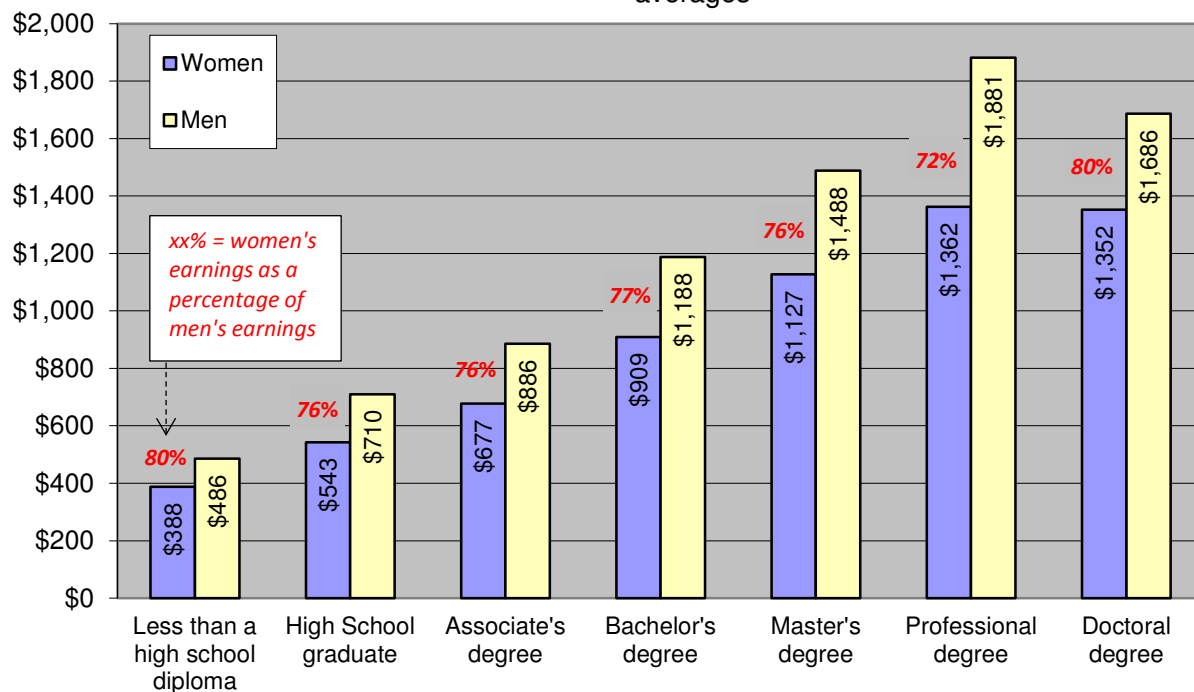
level and less than 10 percent of students at the postsecondary level enrolled in the “Architecture and Construction” cluster, which includes training for relatively high-paying jobs such as electricians (NCWGE (2013) <http://ncwge.org/PDF/GenderGapinCareerPrep.pdf>).

Have Educational Gains Translated Into Financial Gains in the Workplace?

Since the Commission Report of 1963, women’s earnings have risen alongside educational gains. Indeed many argue that educational gains have played a large part in the narrowing of the pay gap over this fifty-year period. A college degree improves earnings considerably (AAUW, 2012), and many argue that the large increase in women’s college attainment in the 1970s, 80s and 90s contributed to the narrowing of the pay gap over this time period (Goldin & Katz, 2008; Blau & Kahn, 2007; Corbett & Hill 2012).

Figure 4 illustrates the earnings of men and women with different educational backgrounds. At every increasing level of educational achievement, women’s and men’s earnings increase, and the gains are considerable. For example, the typical woman with a professional degree earns more than three times as much as a typical woman who has not attained a high school diploma. Yet, in each category, women earn less than their male counterparts, and indeed, sometimes earn less than men with less education. For example, women with professional degrees earn less than men with a Master’s degree. Men with an Associates’ degree earn nearly as much as women with a Bachelor’s degree.

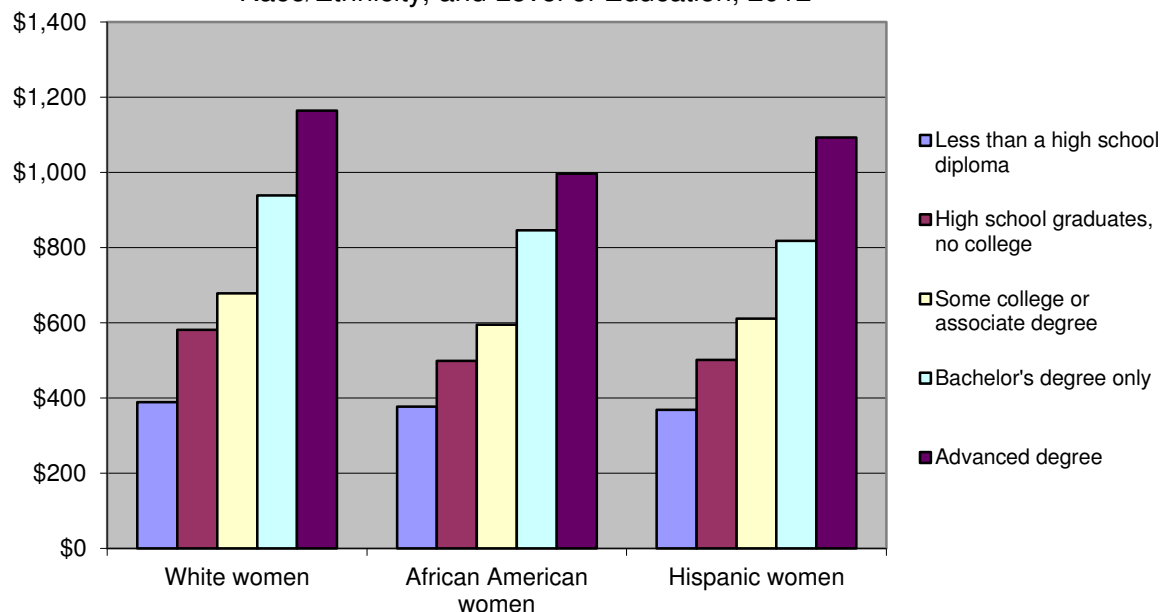
Figure 4: Median usual weekly earnings of full-time wage and salary workers 25 years of age and over by educational attainment and sex, 2010 annual averages



SOURCE: Current Population Survey, reported in U.S. Department of Labor, U.S. Bureau of Labor Statistics. December 2011. *Women in the Labor Force: A Databook (2011 Edition)*. www.bls.gov/cps/wlf-databook2011.htm.

In general, educational attainment boosts earnings for everyone, regardless of race/ethnicity. Earnings gains rise in steady increments for each educational category in a similar pattern for White, African American and Hispanic women (Figure 5). White women earn slightly more than either Hispanic or African American women in each educational category. However, more educated Black and Hispanic women do consistently earn more than White women with less education. Thus, education appear to be the “tide that raises all ships,” although the gains are not the same for all groups.

Figure 5. Median Weekly Earnings of Full-time Workers, by Gender, Race/Ethnicity, and Level of Education, 2012



Source: Current Population Survey, reported in U.S. Department of Labor, U.S. Bureau of Labor Statistics (January 18, 2013). *Usual Weekly Earnings Summary Economic News Release*, USDL-13-0060. Based on median usual weekly earnings of full-time wage and salary workers, ages 25 and older, 2012 annual averages.

During the past fifty years, women have gone from a minority of college students to a majority. Women's earnings have increased substantially over this period, in part as a result of these educational gains. But the relatively slow nature of these gains and the past decade of stagnation raise the question: Why has progress on the pay gap slowed? In the remaining half of the paper, we discuss why the gender pay gap appears to persist, despite women's continuous gains in educational attainment. We explore findings from a recent AAUW study that examines the earnings of recent college graduates. We address segregation in field of study and in the workforce, and conclude with a discussion of two issues facing women in the future: women in science, technology, engineering, and mathematics (STEM) and rising educational costs.

Some College Degrees Are More Equal Than Others

As college education is associated with higher earnings, one might expect that women's rising educational attainment would result in higher earnings. Yet, a recent study by AAUW suggests that not all college degrees are equal when it comes to earnings. In a recent study on the pay gap, AAUW analyzed the earnings of men and women who graduated from college in academic year 2007–08 and who were working full time in 2009, using the nationally representative U.S. Department of Education dataset Baccalaureate & Beyond. The report, *Graduating to a Pay Gap: The Earnings of Women and Men One Year after College Graduation*, offers a particularly valuable view of the pay gap in that it studies men and women at a stage of their careers when they tend to be more similar to each other. Most are young — 23 years old, on average — relatively inexperienced in the workplace, have never been married, and were not raising children at the time of the study. The broad similarities in the lives of men and women at this time allow a relatively straightforward and objective comparison.

AAUW found that, one year after college graduation, men are already paid more than women. Among full-time workers one year out of college, women were paid an average of just over \$35,000, while men working full-time were paid an average of nearly \$43,000. This means that women were paid 82 percent as much as the men in their graduating class.

Why do women graduate to a pay gap? In part, the pay gap reflects men's and women's choices, especially the choice of college major and the type of job pursued after graduation. Yet, not all of the gap could be “explained away”¹ by these or other factors. After accounting for college major, occupation, industry sector, hours worked, workplace flexibility, experience, educational attainment, enrollment status, GPA, institution selectivity, age, race/ethnicity, region, marital status and children, a *five percent difference in the earnings of male and female college graduates one year after graduation was still unexplained*. A similar analysis of full-

time workers ten years after college graduation found a *12 percent* unexplained difference in earnings. Other researchers have also found that the gender pay gap is not fully accounted for by choices workers make (Blau and Kahn, 2006; Bobbitt-Zeher, 2007).

Impact of Women's Educational Attainment in the Workforce

Despite the changes in women's educational attainment and the greater number of women working full-time for longer periods, women and men still tend to work in different kinds of jobs. In 2010, the U.S. civilian workforce included 139 million full- and part-time employed workers; 53 percent were men, and 47 percent were women (2011 Earnings & Employment Online, BLS, Jan 2011). Almost 40 percent (39.7 percent) of working women were employed in traditionally female occupations such as social work, nursing, and teaching. In contrast, less than 5 percent (4.5 percent) of men worked in these jobs. This "segregation" of occupations is a major factor behind the pay gap (Reskin & Bielby, 2005; IWPR, September 2010).

Forty-four percent of men worked in traditionally male occupations, such as computer programming, aerospace engineering, and firefighting, compared with only 5.5 percent of women in those jobs (IWPR, April 2010). Overall, women are more likely to work in professional, office and administrative support, sales, and service occupations, and men are more likely to work in construction, maintenance and repair, and production and transportation occupations. There are gender differences even within professional occupations. For example, men are more likely to work in computer and mathematical occupations and architecture and engineering occupations while women are more likely to work in community and social service occupations and education, training, and library occupations. Their proportions are more similar in legal occupations and life, physical, and science occupations, although there is still considerable variation occupation by occupation within those categories.

Although men and women still tend to work in different occupations, occupational gender segregation has decreased over the 50 years since the Commission released its Report. The reduction in gender segregation is largely due to women moving into previously predominantly

male jobs, especially during the 1970s and 1980s (Blau, Ferber, & Winkler, 2006) and to faster growth of more mixed-gender occupations in the 1990s (IWPR, 2010).

The pay gap is clearly affected by educational and occupational segregation and gender stereotypes, along with many other factors. Simply understanding that these connections exist goes a long way toward explaining the changes since the Commission Report of 1963. The Commission took hold of a blossoming movement to update women's roles in society and identified ways that the federal government could support women's civil rights. Title IX and other legislation helped set in motion a change that was already in the hearts and minds of many Americans. While the Commission laid out an ambitious agenda more than 50 years ago, a key area for improvement – integrating all areas of study – has not yet been fully realized.

Agenda for the Future

The last segment of this paper examines two key challenges going forward. The first is a key issue highlighted in the 1963 Report that has yet to be fully addressed: Women's underrepresentation in Science, Technology, Engineering, and Mathematics (STEM). While progress has been made in some areas, such as biology and chemistry, women remain grossly outnumbered by men in engineering and computer science. The second concerns the rising cost of education. Alongside the growth in women at colleges and universities, the past decades have also seen a rapid rise in costs. As the majority of college graduates, women are especially affected by rising debt, and the burden of student loan debt is especially challenging for women, who tend to earn less than men. Educational opportunity was a central tenet of the 1963 Commission's recommendations, and hence the cost of higher education is a fitting issue to highlight for next steps.

Representation of Girls and Women in Science, Technology, Engineering, and Mathematics (STEM)

Advancing girls and women in these fields was a key recommendation of the Commission. The words of the Commission are surprisingly still relevant today:

“Girls hearing that most women find mathematics and science difficult, or that engineering and architecture are unusual occupations for a woman, are not led to test their interest by activity in these fields.”

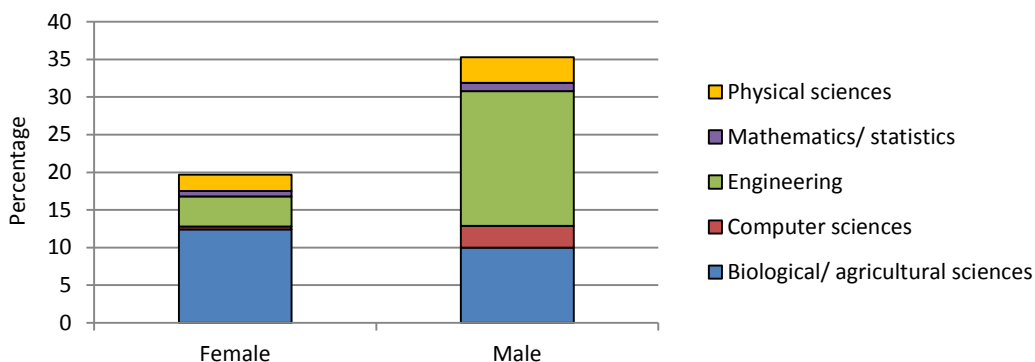
Today, girls are emerging from high school as ready as boys to pursue careers and further their education in every area, including scientific and engineering fields. According to data from the National Assessment of Educational Progress (NAEP), boys and girls have similar scores in mathematics at younger ages and boys have a small persistent advantage in mathematics among 17-year-old students. Girls have consistently outscored boys in the Reading section of the NAEP since the test began. Overall, the differences by sex are not large relative to differences by race/ethnicity (Corbett, Hill, & St. Rose, 2008).

On high stakes tests, such as the SAT, ACT and AP Exams, girls remain slightly behind boys, in part due to the greater diversity of female test-takers compared to male test-takers (Corbett, Hill, & St. Rose, 2008). Boys tend to slightly outnumber girls, and slightly outscore them, on Advanced Placement exams, including calculus, physics, computer science, and chemistry. In addition, boys outnumber girls among students with very high scores on mathematical tests, although girls are making gains (Lubinski & Benbow, 2006). The Study of Mathematically Precocious Youth identifies seventh and eighth graders who are highly gifted in mathematics, scoring greater than 700 on the SAT math section (the top 0.01% or 1 in 10,000 students). Boys are more likely than girls to be identified as highly gifted in mathematics. However, since the early 1980's the ratio of boys to girls identified in this extremely select group has dramatically declined from 13:1 (Benbow & Stanley, 1983) to around 3:1 in recent years (Brody & Mills, 2005; Halpern, Benbow, et al., 2007). Gains made by girls in the ranks of the highly mathematically gifted suggest that nurture, rather than nature, lies behind the gender gap in advanced mathematics.

Young men are much more likely to enroll in college intending to major in a STEM field. Thirty-five percent of young men begin college intending to major in a STEM field compared with just under 20% of young women (Figure 6). This figure shows that most women who intend to major in a STEM field intend to major in the biological sciences. On the other hand, the

majority of men who intend to major in a STEM field select engineering. Among first-year students, 12% of women say that they intend to major in biology/agricultural sciences compared with 10 percent of men. Eighteen percent of men say that they would like to pursue engineering compared with just four percent of women. Computer science is another area which appeals to male students dramatically more than female students. Why are men and women continuing to choose different fields? What lies behind these choices?

Figure 6. Intent of first-year college students to major in science and engineering fields, by gender, 2010



SOURCE: Higher Education Research Institute, University of California at Los Angeles, special tabulations (2011) of the Survey of the American Freshman cited in National Science Foundation, Division of Science Resources Statistics. 2011. *Women, minorities, and persons with disabilities in science and engineering: 2011*. Special Report NSF 11-309. (Arlington, VA) Table 2-8.

Bias, Often Unconscious, Limits Women’s Progress in Scientific and Engineering Fields

Most people associate science and math fields with “male” and humanities and arts fields with “female,” according to research profiled in the recent AAUW report *Why So Few? Women in Science, Technology, Engineering, and Mathematics* (Hill, Corbett, and St. Rose 2010). Even among individuals who actively reject these stereotypes, implicit bias is common. This bias not only affects individuals’ attitudes toward others but may influence girls’ and women’s likelihood of cultivating their own interest in math and science as well. Taking the implicit bias test at

<https://implicit.harvard.edu> can help people identify and understand their biases so that they can work to compensate for them.

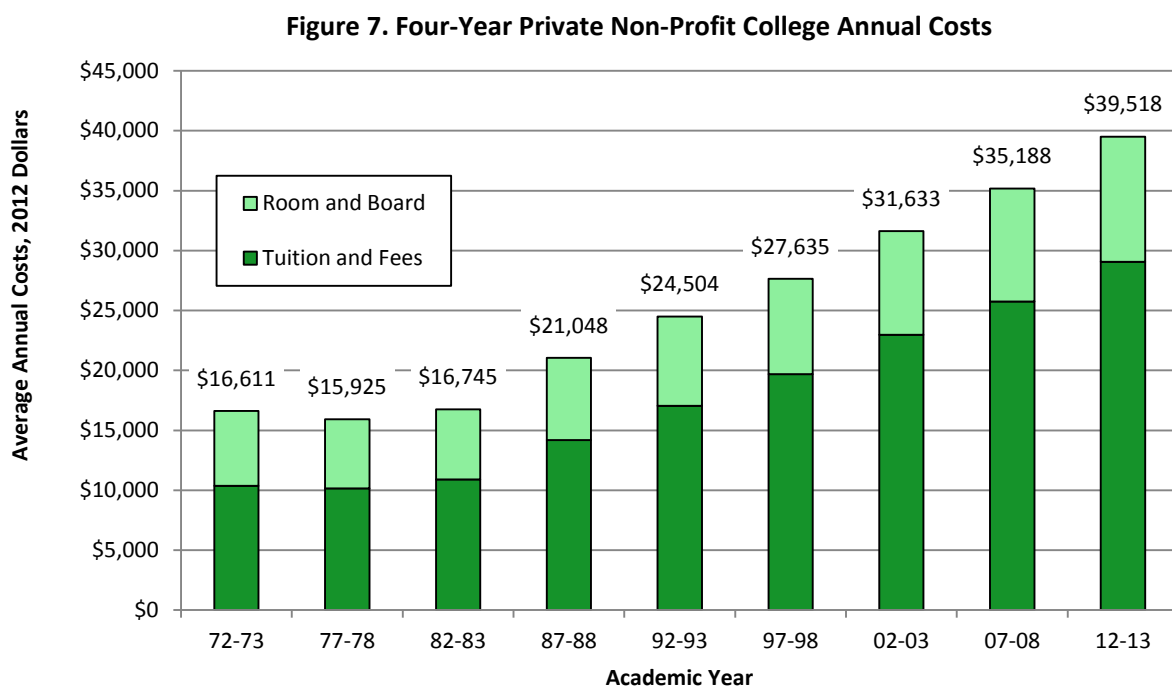
Not only do people associate math and science with men, people often hold negative opinions of women in “masculine” positions like scientists or engineers (Good et al, 2012; Mangels et al., 2012).ⁱ Research profiled in the AAUW report shows that people judge women to be less competent than men in “male” jobs unless they are clearly successful in their work. However, even when a woman is clearly competent in a “masculine” job, she is considered to be less likable. Because both likability and competence are needed for success in the workplace, women in STEM fields can find themselves in a double bind. Luckily, stereotypes, bias, and other cultural beliefs can change; often the very act of identifying a stereotype or bias begins the process of dismantling it (Hill, Corbett, and St. Rose 2010).

Making STEM careers feasible for women will take more than opening doors. Stereotypes and bias continue to affect women and girls in the perceptions of others and in their own self-understanding. Women have made progress in many fields once considered “male,” including scientific fields such as biology and chemistry. Yet computer science and engineering remain off limits to too many women and girls. Helping girls and women to enter and succeed in these fields should be a goal for the next decades.

Access to College: The Financial Picture

No discussion of higher education is complete without a discussion of costs. College costs have become a critical issue for the nation, with tuition rising faster than inflation for most of the past two decades. Figure 7 shows tuition costs at private, non-profit colleges -- above and beyond the normal cost-of-living increases -- for the past two decades. A similar pattern can be seen among public 4-year colleges and universities. Most research indicates that a college degree pays for itself over time. But as college costs rise and more students borrow more money to finance their education, a growing percentage of students are graduating with high levels of student debt. The rising cost of college affects everyone, but women are especially

impacted. Women are now the majority of college students and a majority of students accruing loans. Student loan debt burden -- the monthly student loan payment as a percentage of monthly earnings -- is one way to measure the impact of loans on college graduates. As women graduates tend to have lower salaries less than men, they are more burdened by their student loan debt than higher-paid male graduates. Student loan burden affects graduates' ability to buy a home, get a car loan, or even make rent payments.



Sources: 1987-88 to 2008-09 data from Annual Survey of Colleges, The College Board, New York, NY, weighted by full-time undergraduate enrollment; 1976-77 to 1986-87 data from Integrated Postsecondary Education Data System (IPEDS), U.S. Department of Education, National Center for Education Statistics, weighted by full-time equivalent enrollment.

Conclusion

It has been an extraordinary 50 years for women in the United States, and education has been at the heart of these advances. Today, we simply assume that women can become doctors, lawyers and businesswomen, but fifty years ago, women were an anomaly in these fields.

This remarkable journey offers two clear and important lessons. First, public policy can work. The 1963 Commission Report identified critical issues, including women's access to higher education, for increased public attention. During the course of the past five decades, many of the goals for women, especially in education, have been attained. Public policies such as Title IX and the Perkins Act played a critical role in opening up opportunities for women at all levels of education. A changing economy, media, social movements, and individual actions were, of course, also critical to advancing opportunities for women in education. The Commission's Report established priorities for advancing women through educational opportunity, and in many respects, its goals have been achieved. Yet the work is not done. Women remain underrepresented in scientific and technological fields, especially in computer science and engineering. Bias against girls and women in mathematically-demanding fields remains influential. Overall, African American and Hispanic women continue to have limited access to education, and the achievement gap among racial/ethnic groups remains an issue that narrows options for girls and boys. Finally, college costs represent a hurdle for all Americans in their efforts to achieve educational goals.

Luckily, we are standing on the shoulders of giants. The 1963 Commission Report offers an inspiring road map for the advancement of gender equity. Much has been accomplished, but gaps remain. AAUW looks forward to working with activists, academics, policymakers and others to extend educational opportunities throughout society.

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Low Wages and Scant Benefits Leave Many In-Home Workers Unable to Make Ends Meet

By Heidi Shierholz

This paper was prepared with funding from the U.S. Department of Labor. The views expressed are those of the authors and should not be attributed to the Federal Government or the Department of Labor.

In-home workers—those whose worksites are private homes—are critical to the U.S. economy. They free the time and attention of other workers by tending to children, cleaning, providing essential support that allows seniors and people with disabilities or illnesses to live at home, and performing other home care tasks. They are professionals but tend to work in the shadows, socially isolated and often without employment contracts, leaving them with little job security and vulnerable to exploitation.

Many in-home jobs are explicitly excluded from the protections of federal labor and employment laws and standards. For example, domestic workers are not covered by the National Labor Relations Act, which guarantees employees the right to organize; domestic workers are thus unable to form labor unions or organize for better working conditions. “Live-in” workers are excluded from the overtime protections in the Fair Labor Standards Act. The Occupational Safety and Health Act does not apply to “individuals who, in their own residences, privately employ persons for the purpose of performing ... what are commonly regarded as ordinary domestic household tasks, such as house cleaning, cooking, and caring for children” (OSHA 1970). Federal antidiscrimination laws, such as the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act, all generally only cover employers with multiple employees, meaning most in-home workers are excluded from these protections. This is also true of the Family and Medical Leave Act. In addition to the lack of many formal legal protections, the isolated and informal or “under the table” arrangements that often define these occupations mean those who work in them are particularly vulnerable to violations of basic labor standards (Burnham and Theodore 2012; Seavey and Marquand 2011; Dresser 2008).

This paper directly examines in-home occupations and the workers who hold in-home jobs, including the hours they work, how much they earn, whether they receive benefits, and whether they and their own families are able to make ends meet. Key findings include:

- In-home workers are more than 90 percent female, and are disproportionately immigrants. One out of every nine foreign-born female workers with a high school degree or less works in an in-home occupation. In-home occupations are growing rapidly, driven by sharp growth in direct-care work, including personal care aides and home health aides.
- In-home workers receive very low pay, and many have trouble getting the hours they need.
 - The median hourly wage for in-home workers is \$10.21, compared with \$17.55 for workers in other occupations. After accounting for demographic differences between in-home workers and other workers, in-home workers have hourly wages nearly 25 percent lower than those of workers with similar characteristics in other occupations.
 - In-home workers are more likely to work part time than other workers. This is due in many instances to their own preferences, but it is also the case that a larger share of in-home workers than other workers want (and are available for) full-time jobs, but have had to settle for a part-time schedule.

- The median weekly pay for in-home workers who have or want full-time work is \$382, compared with \$769 for workers in other occupations. After accounting for demographic differences between in-home workers and other workers, in-home workers who have or want full-time work have weekly wages 36.5 percent lower than those of workers with similar characteristics in other occupations.
- In-home workers rarely receive fringe benefits.
 - Only 12.2 percent of in-home workers receive health insurance from their job, compared with 50.6 percent of workers in other occupations. The majority of in-home workers who receive health insurance from their job are agency-based direct-care aides (18.4 percent of whom have employer-provided health insurance). Only 4.9 percent of maids and 6.3 percent of nannies receive employer-provided health insurance.
 - Only 7.0 percent of in-home workers are covered by a pension plan at their job, compared with 43.8 percent of workers in other occupations. The majority of in-home workers who are covered by a pension plan at their job are agency-based direct-care aides (10.7 percent of whom are covered by a pension plan). Fewer than 3 percent of maids and nannies are covered by a pension plan.
- In-home workers have a higher incidence of poverty than workers in other occupations.
 - Nearly a quarter—23.4 percent—of in-home workers live below the official poverty line, compared with 6.5 percent of workers in other occupations.
 - Twice the official poverty threshold is commonly used by researchers as a measure of what it takes a family to actually make ends meet. More than half—51.4 percent—of in-home workers live below twice the poverty line, compared with 20.8 percent of workers in other occupations.

Who are in-home workers?

Table 1 shows the categories of in-home occupations discussed throughout this paper.¹ It also shows the number of workers in each of these occupations in 2012, though it

¹ Using the occupation, industry, and sector classification systems in the Current Population Survey Outgoing Rotation Group dataset, in-home workers are defined as follows: Maids are defined as workers who are in the occupation “Maids and housekeeping cleaners” and in the “Private household” industry. Nannies are workers who are in the occupation “Childcare workers” and in either the “Private household” industry or the “Employment services” industry. Workers who provide childcare in their own homes are workers who are in the occupation “Childcare workers,” in the industry “Child day care services,” and are self-employed, unincorporated. Direct care aides who are not agency-based are workers who are a) in the occupation “Nursing, psychiatric, and home health aides” and in the “Private household” industry, or b) in the occupation “Personal care aides” and in either the “Private household” industry or the “Employment services” industry. Agency-based direct-care workers are workers who are a) in the occupation “Nursing, psychiatric, and home health aides” and in either the “Home health care services” industry or the “Individual and family services” industry, or b) in the occupation “Personal care aides” and in either the “Home health care services” industry or the “Individual and family services” industry.

should be noted that due to the nature of these jobs, employment in these occupations is likely undercounted.² What follows is a description of the categories displayed in the table:

Table 1: Employment in in-home occupations, 2012

	In-home	Maids and Housekeeping Cleaners	Childcare Workers		Direct Care Aides	
			Nannies	Provide care in own home	Not agency- based	Agency- based
Number of workers	1,992,000	328,000	201,000	367,000	115,000	981,000
Source: Authors' analysis of Current Population Survey Outgoing Rotation Group 2012 microdata						

- In-home maids and housekeeping cleaners are workers who perform cleaning and housekeeping duties in private households. In 2012, there were 328,000 such workers who were paid directly by someone in the household (and not by a private company such as Merry Maids).³
- This analysis includes two types of childcare workers: nannies and childcare workers who provide care in their own home. Nannies are workers who attend to children—performing a variety of tasks such as dressing, feeding, bathing, and overseeing activities—in the child’s own home. Nannies may either “live in” with employers or live in their own homes, but they work in employers’ private residences. In 2012, there were 201,000 nannies working in private U.S. households. Other in-home

² In-home jobs are likely to be undercounted in survey data for two reasons. First, a significant proportion of in-home workers are paid “under the table,” which makes individuals less likely to report these jobs. Second, in-home workers are disproportionately foreign born (see Table 2A), and it is believed that immigrants are underrepresented in national surveys (GAO 1998, 42–44). Therefore, it is very likely that the count of 2 million in-home workers in the 2012 Current Population Survey understates the total employment in these jobs. Note also that we exclude any workers who do in-home work without pay, and instead focus on those who do this work for wages. We also exclude other types of in-home workers such as cooks or chauffeurs.

³ Many in-home maids work for private companies such as Merry Maids, but we are unable to include them here because data limitations prevent us from identifying these workers separately from maids who work for private companies in settings other than private homes.

childcare workers are those who provide childcare in their *own* home to the children of one or more families. In 2012, there were 367,000 such workers.⁴

- Direct-care aides include personal care aides and home health aides who assist people in their homes. Personal care aides assist the elderly, convalescents, or persons with disabilities with daily living activities. Their duties may include keeping house (e.g., making beds, doing laundry, washing dishes) and preparing meals. Home health aides provide hands-on health care such as giving medication, changing bandages, and monitoring the health status of the elderly, convalescents, or persons with disabilities. They may also provide personal care such as bathing, dressing, and grooming of the patient. This paper distinguishes between the smaller group of direct-care aides who are paid directly by someone in the household, and the larger group of direct-care aides who are agency-based. There are 115,000 direct-care aides—more than 90 percent of whom are personal care aides—who are paid directly by someone in the household, and there are 981,000 direct-care workers who are agency based (slightly over half of whom are home health aides and the rest of whom are personal care aides).

Altogether in 2012 there were roughly 2 million workers in these in-home occupations. These 2 million workers made up 1.6 percent of all workers. However, they made up a much larger share of certain groups of workers. Three percent of all female workers are in-home workers. Of foreign-born female workers, 7.2 percent work in in-home occupations. And of foreign-born female workers with a high school degree or less, one out of every nine (11.1 percent) works in an in-home occupation.

To get a clearer idea of the demographic profile of in-home workers, **Table 2A** provides the breakdown of in-home workers by demographic characteristics.

⁴ Again, it is very likely that this is a substantial undercount; some researchers estimate that as many as 650,000 individuals provide family childcare services (Burton et al. 2002).

Table 2A: Demographic Breakdowns	In-home							
	Not in-home	In-home	Percentage Point Difference	Childcare Workers			Direct Care Aides	
				Maids and Housekeeping	Nannies	Provide care in own home	Not agency-	Agency Based
All	100%	100%		100%	100%	100%	100%	100%
<u>Gender</u>								
Female	47.9%	93.1%	45.2	96.8%	96.9%	98.7%	86.2%	89.6%
Male	52.1%	6.9%	-45.2	3.2%	3.1%	1.3%	13.8%	10.4%
<u>Nativity</u>								
U.S. Born	84.3%	66.9%	-17.4	37.8%	69.7%	76.5%	66.3%	72.8%
Naturalized U.S. Citizen	7.1%	12.9%	5.8	15.0%	6.8%	8.7%	17.9%	14.4%
Non-naturalized immigrant	8.6%	20.2%	11.6	47.2%	23.5%	14.8%	15.8%	12.8%
<u>Race/ethnicity</u>								
White, non-Hispanic	67.1%	47.6%	-19.6	36.8%	64.3%	61.4%	50.0%	42.5%
Black, non-Hispanic	10.9%	18.5%	7.6	5.5%	6.4%	13.0%	17.7%	27.6%
Hispanic, any race	15.0%	27.2%	12.2	54.3%	22.5%	20.5%	23.8%	21.7%
Asian	5.2%	4.8%	-0.4	2.7%	5.2%	3.9%	6.2%	5.6%
Other	1.7%	1.9%	0.2	0.8%	1.5%	1.2%	2.3%	2.6%
<u>Education</u>								
Not high school graduate	8.3%	20.9%	12.6	37.9%	14.2%	14.2%	19.9%	19.0%
High school graduate	27.9%	37.2%	9.3	39.3%	28.4%	36.5%	34.8%	38.7%
Some college	30.1%	30.3%	0.2	16.3%	37.0%	34.3%	30.0%	32.4%
Bachelor's degree	22.1%	9.5%	-12.6	5.7%	18.6%	12.0%	12.5%	7.8%
Advanced degree	11.6%	2.1%	-9.6	0.8%	1.8%	2.9%	2.8%	2.1%
<u>Age</u>								
18-22	8.1%	8.6%	0.5	4.1%	32.2%	3.1%	5.7%	7.9%
23-49	61.4%	53.8%	-7.7	55.0%	47.7%	60.4%	45.5%	52.9%
50+	30.5%	37.6%	7.2	40.9%	20.1%	36.6%	48.9%	39.2%
Median Age	41	44		46	26	45	49	45
Source: Authors' analysis of Current Population Survey Outgoing Rotation Group pooled 2010-2012 microdata.								

In-home workers are largely female; 93.1 percent are women, whereas slightly less than half—47.9 percent—of workers in other occupations are women. At 98.7 percent, childcare workers who provide childcare in their own home have the highest female share, but all categories of in-home workers are very strongly female.

In-home workers are mostly U.S. born but are much more likely to be foreign born than workers in other occupations; one-third (33.1 percent) of in-home workers are immigrants, compared with 15.7 percent of other workers. Furthermore, foreign-born in-home workers are less likely to be naturalized U.S. citizens than are foreign-born workers in other occupations; 38.9 percent of foreign-born in-home workers are naturalized U.S. citizens, compared with 45.2 percent of foreign-born workers in other occupations (not shown in table).

Among *all* in-home workers, about 20.2 percent are immigrants who are not naturalized U.S. citizens, compared with 8.6 percent of workers in other occupations, as shown in Table 2A. At 47.2 percent, maids are the in-home occupation that has the highest share of non-naturalized foreign-born workers. With the Current Population Survey data used in this analysis, we are unable to distinguish between authorized and unauthorized immigrants. However, Burnham and Theodore (2012) find that 47 percent of the immigrants in their sample of domestic workers in 14 metropolitan areas are unauthorized. Applying that share to our sample implies that roughly 15.6 percent of in-home workers are unauthorized immigrants. This is higher than the unauthorized immigrant share of the overall labor force, which was estimated at 5.2 percent in 2010 (Passel and Cohn 2011).

A plurality of in-home workers are White and non-Hispanic, but in-home workers are much more likely to be non-White or Hispanic than workers in other occupations. More than a quarter (27.2 percent) of in-home workers are Hispanic (compared with 15.0 percent of workers in other occupations), and 18.5 percent of in-home workers are Black, non-Hispanic (compared with 10.9 percent of workers in other occupations). At 54.3 percent, maids are the in-home occupation that has the highest share of Hispanic workers, and at 27.6 percent, agency-based direct-care workers are the in-home occupation that has the highest share of Black, non-Hispanic workers.

Most in-home workers have at least a high school degree, but in-home workers are less likely to have a high school degree than workers in other occupations. One in five in-home workers (20.9 percent) does not have a high school degree, compared with 8.3 percent of workers in other occupations. At 37.9 percent, maids are the in-home occupation that has the highest share of workers without a high school degree. In-home workers are also less likely than other workers to have at least a college degree. Slightly more than one in 10 in-home workers (11.6 percent) have a college degree or an advanced degree, compared with one-third (33.7 percent) of workers in other occupations. At 20.4 percent, nannies are the in-home occupation that has the highest share of workers with a college degree or more.

In-home workers, who have a median age of 44, are somewhat older than workers in other occupations, who have a median age of 41. In particular, in-home workers are

more likely to be at least 50 years old (37.6 percent of in-home workers are age 50 or older, compared with 30.5 percent of workers in other occupations). The key exception to this generality is the fact that nannies—with a median age of 26—tend to be much younger than other workers. Direct-care aides who are not agency-based are the oldest subgroup of in-home workers, with a median age of 49.

Table 2B shows how in-home workers are distributed across states. Just over one-fifth (21.3 percent) of in-home workers are in the Northeast. Given that just *under* one-fifth (18.7 percent) of not-in-home workers are in the Northeast, that means Northeast states disproportionately employ in-home workers. New York is the biggest employer of in-home workers in the Northeast, particularly agency-based direct-care aides (15.9 percent of all such workers are in New York). Western states as a group employ 26.4 percent of in-home workers, also a disproportionate share, given that Western states employ 22.5 percent of all not-in-home workers. California is the biggest employer of in-home workers in the West, particularly maids (23.0 percent of all in-home maids are in California).

One-fifth (20.8 percent) of in-home workers are in the Midwest, but 22.9 percent of not-in-home workers are in the Midwest, meaning that in-home workers are somewhat less common in Midwestern states. The exception is workers who provide childcare in their own homes, who are overrepresented in Midwestern states. Finally, nearly one-third (31.5 percent) of in-home workers are in the South, but 36.0 percent of not-in-home workers are in the South, meaning that in-home workers are less common in Southern states than they are in the rest of the country. In particular, there are many fewer workers who provide childcare in their own homes in Southern states. Florida, the fourth-most-populous state in the country, perhaps surprisingly does not disproportionately employ in-home workers. Texas, the most populous Southern state, bucks the trend of fewer in-home workers in the South, employing disproportionately more maids and agency-based direct-care aides.

Table 2B: Where in-home workers are located

	Not in-home	In-home	Percentage Point Difference	Maids and Housekeeping Cleaners	In-home			
					Childcare Workers		Direct Care Aides	
					Nannies	Provide care in own home	Not agency-based	Agency-based
All	100%	100%		100%	100%	100%	100%	100%
<u>Northeast</u>	18.7%	21.3%	2.7%	18.7%	19.5%	16.5%	19.4%	25.9%
Maine	0.4%	0.5%	0.1%	0.2%	0.3%	0.7%	0.6%	0.6%
New Hampshire	0.5%	0.3%	-0.1%	0.3%	0.5%	0.3%	0.4%	0.3%
Vermont	0.2%	0.3%	0.1%	0.2%	0.2%	0.5%	0.4%	0.3%
Massachusetts	2.3%	1.9%	-0.3%	1.6%	2.6%	1.8%	2.4%	1.9%
Rhode Island	0.4%	0.3%	-0.1%	0.2%	0.3%	0.3%	0.2%	0.3%
Connecticut	1.2%	1.1%	-0.2%	1.1%	1.4%	0.9%	1.8%	1.0%
New York	6.3%	11.7%	5.4%	9.9%	8.7%	8.2%	7.1%	15.9%
New Jersey	3.0%	2.4%	-0.6%	3.4%	2.5%	1.6%	2.3%	2.4%
Pennsylvania	4.3%	2.8%	-1.5%	1.8%	3.0%	2.2%	4.2%	3.2%
<u>Midwest</u>	22.9%	20.8%	-2.2%	11.7%	20.6%	32.8%	13.4%	20.0%
Ohio	3.9%	3.3%	-0.6%	2.1%	2.9%	4.2%	1.0%	3.9%
Indiana	2.2%	1.2%	-1.0%	1.0%	1.3%	2.1%	0.5%	1.0%
Illinois	4.4%	4.0%	-0.4%	2.6%	5.2%	5.3%	3.9%	3.7%
Michigan	3.2%	2.8%	-0.4%	1.6%	3.3%	4.1%	2.8%	2.7%
Wisconsin	2.0%	1.8%	-0.3%	0.8%	1.1%	2.9%	1.0%	2.0%
Minnesota	1.9%	2.4%	0.5%	1.2%	2.4%	4.4%	1.4%	2.2%
Iowa	1.1%	1.0%	-0.1%	0.6%	0.9%	2.5%	0.4%	0.5%
Missouri	2.0%	2.0%	0.0%	0.8%	1.7%	2.6%	1.3%	2.6%
North Dakota	0.2%	0.2%	0.0%	0.1%	0.2%	0.7%	0.1%	0.2%
South Dakota	0.3%	0.2%	0.0%	0.1%	0.2%	0.7%	0.2%	0.1%
Nebraska	0.7%	0.6%	-0.1%	0.3%	0.6%	1.4%	0.3%	0.3%

Table 2B: Where in-home workers are located

	Not in-home	In-home	Percentage Point Difference	Maids and Housekeeping Cleaners	Nannies	Provide care in own home	Not agency-based	Agency-based
Kansas	1.0%	1.1%	0.1%	0.6%	0.9%	2.1%	0.6%	1.0%
<u>South</u>	36.0%	31.5%	-4.5%	39.3%	32.5%	25.1%	35.4%	30.2%
Delaware	0.3%	0.2%	-0.1%	0.1%	0.1%	0.3%	0.2%	0.1%
Maryland	2.0%	1.6%	-0.4%	2.0%	3.5%	2.1%	1.3%	0.8%
District of Columbia	0.2%	0.2%	0.0%	0.3%	0.4%	0.1%	0.1%	0.1%
Virginia	2.8%	2.5%	-0.2%	2.2%	6.0%	3.1%	2.8%	1.4%
West Virginia	0.6%	0.7%	0.1%	0.3%	0.3%	0.6%	0.8%	1.0%
North Carolina	2.9%	2.7%	-0.2%	2.1%	3.0%	1.9%	1.7%	3.6%
South Carolina	1.4%	0.8%	-0.5%	0.9%	1.1%	1.0%	1.3%	0.6%
Georgia	3.1%	1.9%	-1.2%	2.8%	2.4%	2.1%	3.2%	1.0%
Florida	5.8%	4.5%	-1.3%	9.6%	3.7%	2.8%	6.7%	2.8%
Kentucky	1.4%	0.8%	-0.5%	1.0%	0.4%	1.0%	1.7%	0.6%
Tennessee	2.0%	1.3%	-0.7%	1.4%	1.0%	1.3%	1.4%	1.3%
Alabama	1.5%	0.9%	-0.6%	1.1%	1.0%	0.8%	1.8%	0.7%
Mississippi	0.9%	0.5%	-0.3%	0.6%	0.3%	0.6%	0.7%	0.4%
Arkansas	0.9%	0.8%	-0.1%	0.7%	0.4%	0.7%	1.0%	1.0%
Louisiana	1.4%	1.3%	0.0%	1.4%	0.9%	0.8%	1.8%	1.7%
Oklahoma	1.2%	0.9%	-0.2%	0.9%	0.7%	0.9%	0.8%	1.1%
Texas	7.8%	9.8%	2.1%	12.0%	7.3%	5.1%	8.0%	12.1%
<u>West</u>	22.5%	26.4%	4.0%	30.4%	27.4%	25.6%	31.8%	23.8%
Montana	0.3%	0.3%	0.0%	0.2%	0.3%	0.5%	0.3%	0.3%
Idaho	0.5%	0.5%	0.0%	0.2%	0.4%	0.8%	0.8%	0.4%
Wyoming	0.2%	0.2%	0.0%	0.1%	0.1%	0.3%	0.2%	0.1%
Colorado	1.7%	1.4%	-0.3%	1.7%	2.0%	1.9%	0.9%	1.0%
New Mexico	0.6%	0.9%	0.3%	0.6%	0.4%	0.7%	0.9%	1.3%

Table 2B: Where in-home workers are located

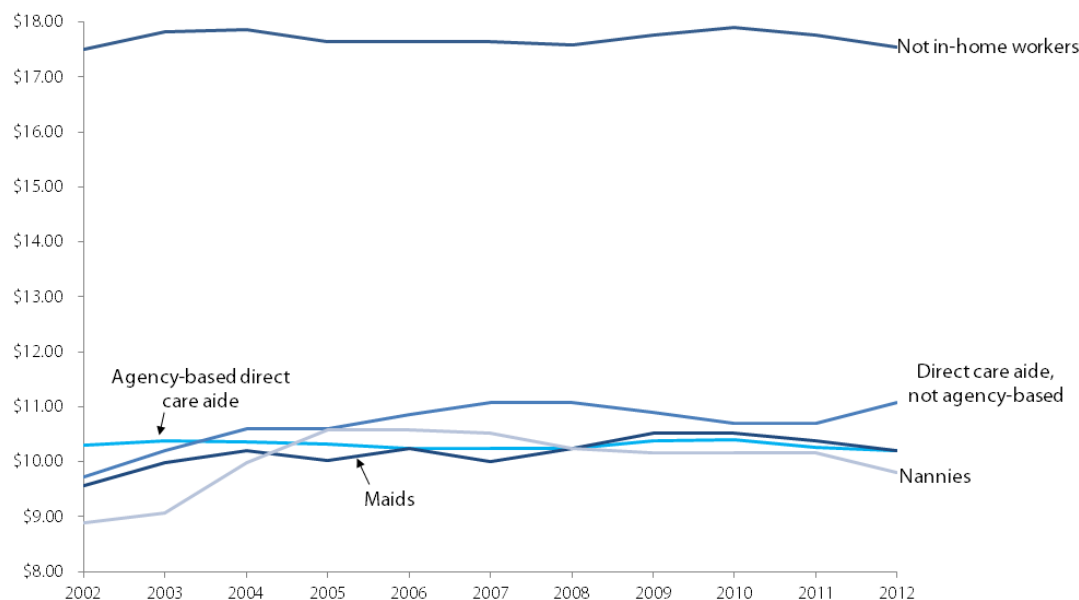
Arizona	2.0%	1.5%	-0.5%	1.5%	1.9%	1.2%	2.3%	1.3%
	Not in- home	In-home	Percentage Point Difference	Maids and Housekeeping Cleaners	Nannies	Provide care in own home	Not agency- based	Agency- based
Utah	0.9%	0.5%	-0.4%	0.3%	0.8%	1.0%	0.3%	0.3%
Nevada	0.9%	0.4%	-0.4%	0.6%	0.6%	0.4%	0.5%	0.3%
Washington	2.2%	2.1%	-0.1%	1.1%	3.3%	2.4%	2.7%	2.0%
Oregon	1.2%	1.4%	0.2%	0.8%	1.7%	2.3%	2.1%	1.0%
California	11.4%	16.8%	5.3%	23.0%	15.6%	13.3%	20.5%	15.2%
Alaska	0.2%	0.3%	0.1%	0.1%	0.2%	0.4%	0.2%	0.4%
Hawaii	0.4%	0.2%	-0.2%	0.2%	0.1%	0.3%	0.3%	0.2%
Source: Authors' analysis of Current Population Survey Outgoing Rotation Group pooled 2003-2012 microdata.								

In-home workers receive very low hourly pay

We turn now to an examination of hours, hourly wages, and weekly wages for in-home workers.⁵ It should be noted that the best wage measure in the Current Population Survey is not available for self-employed workers, so in this analysis, we are unable to look at the wages of childcare workers who provide childcare in their own home, since they are self-employed.⁶

Figure A shows median real hourly wages over the last decade for in-home workers and other workers. One of the striking features of Figure A is that across the board, among both in-home workers and other workers, wages have largely been stagnant over this period (2002-2012). For more on wage stagnation over the last decade, see [A Decade of Flat Wages](#), by Lawrence Mishel and Heidi Shierholz (2013). Figure A also illustrates the large disparities between the hourly wages of in-home workers and those of other workers.

Figure A: Median real hourly wages, 2002–2012



Source: Author's analysis of Current Population Survey Outgoing Rotation Group, rolling 3-year pooled microdata (i.e., "2012" is pooled 2010-2012 data, "2011" is pooled 2009-2011 data, etc.)

⁵ It should be noted that the wage measure used in this analysis includes overtime, tips, and commissions for both hourly and non-hourly workers. It was created using the "hybrid" approach described on pages 9–13 of Schmitt (2003).

⁶ In a later section on annual earnings, which are available for the self-employed, we generate an hourly earnings measure by dividing annual earnings by total annual hours in order to compare hourly earnings for those who provide childcare in their own home to other workers.

Table 3 shows median hourly wages in 2012 of in-home workers and other workers, both overall and for various demographic groups. In 2012, the median hourly wage of in-home workers was \$10.21, which was more than 40 percent below the median hourly wage of other workers, \$17.55. Of the subgroups of in-home workers for whom hourly wages are available, direct-care aides who are not agency-based have the highest hourly wage, at \$11.09; however, this is still 36.8 percent below the median hourly wage of not-in-home workers. Among in-home workers, nannies have the lowest median hourly wage, at \$9.80.

There are key differences by demographic group. Of in-home workers, the demographic group with the lowest hourly wages are workers age 18–22, with a median hourly wage of \$9.19. Young workers also have the lowest hourly wage among *not*-in-home workers, so the disparity between the wages of young in-home workers and young not-in-home workers is quite low. Another demographic group of in-home workers with particularly low wages is Hispanics, with a median hourly wage of \$9.75. But again, not-in-home Hispanic workers also have relatively low hourly wages, so the disparity between the wages of in-home and not-in-home workers among Hispanics (though very steep, at -26.5 percent) is lower than it is for other racial and ethnic groups. The in-home workers with the highest hourly wages are workers with a bachelor's (\$11.94) or advanced degree (\$12.25). However, these are the *not*-in-home workers with the highest hourly wages, so the wage disparities between in-home and not-in-home workers are very high in these groups.

Figure A and Table 3 show that in-home workers have lower hourly wages than other workers. However, as shown in Table 2A, in-home workers are more likely to fall into demographic groups that have lower wages on average (e.g., women, non-naturalized immigrants, those with a high school degree or less, and racial and ethnic minorities). In order to ascertain the true “penalty” of holding an in-home job—the difference between the wages an in-home worker receives and what she would get if she worked in another occupation—it is important to account for the fact that in-home workers have a different demographic profile than workers in other jobs. We thus turn to a regression analysis that controls for the differences in demographics between in-home workers and other workers (in particular, it controls for gender, nativity, citizenship, race and ethnicity, educational attainment, age, marital status, urbanicity, and region of the country). In other words, the results of this analysis demonstrate not the raw difference in hourly wages between in-home workers and other workers, *but the difference between the hourly wages earned by an in-home worker and those earned by a similar worker in another occupation*. This is the “wage penalty” of in-home work.

Table 3: Median real hourly wages

	In-home						
	Not in- home	In- home	Percentage Point Difference	Maids and Housekeeping Cleaners	Nannies	Direct Care Aides	
						Not agency- based	Agency-based
Median Hourly wage	\$17.55	\$10.21	-41.8%	\$10.21	\$9.80	\$11.09	\$10.21
<u>Gender</u>							
Female	\$15.91	\$10.21	-35.8%	\$10.21	\$9.80	\$11.00	\$10.21
Male	\$19.23	\$10.53	-45.2%	\$11.00	*	\$12.39	\$10.53
<u>Nativity</u>							
U.S. Born	\$18.00	\$10.21	-43.3%	\$10.21	\$10.00	\$11.00	\$10.13
Naturalized U.S. Citizen	\$18.50	\$10.53	-43.1%	\$11.11	\$10.21	\$12.00	\$10.53
Non-naturalized immigrant	\$12.64	\$10.00	-20.9%	\$10.00	\$8.42	\$10.53	\$10.38
<u>Race/ethnicity</u>							
White, non-Hispanic	\$19.23	\$10.21	-46.9%	\$10.50	\$10.00	\$12.00	\$10.25
Black, non-Hispanic	\$14.90	\$10.21	-31.5%	\$10.53	\$9.48	\$10.37	\$10.21
Hispanic, any race	\$13.27	\$9.75	-26.5%	\$10.00	\$9.70	\$10.53	\$9.50
Asian	\$20.24	\$11.06	-45.4%	\$12.25	\$9.00	*	\$11.23
Other	\$15.64	\$10.21	-34.7%	*	*	*	\$10.13
<u>Education</u>							
Not high school graduate	\$10.53	\$9.40	-10.7%	\$9.19	\$8.50	\$9.48	\$9.48
High school graduate	\$14.70	\$10.21	-30.5%	\$10.53	\$9.82	\$10.46	\$10.21
Some college	\$15.80	\$10.35	-34.5%	\$10.72	\$9.50	\$11.75	\$10.32
Bachelor's degree	\$24.31	\$11.94	-50.9%	\$13.07	\$12.00	*	\$11.03
Advanced degree	\$31.50	\$12.25	-61.1%	*	*	*	\$12.64
<u>Age</u>							
18-22	\$9.48	\$9.19	-3.1%	\$8.74	\$8.73	\$8.42	\$9.50
23-49	\$17.90	\$10.21	-43.0%	\$10.00	\$10.21	\$11.40	\$10.21
50+	\$20.05	\$10.53	-47.5%	\$10.55	\$10.21	\$11.12	\$10.35
*Indicates limited sample size							
Source: Authors' analysis of Current Population Survey Outgoing Rotation Group pooled 2010-2012 microdata							

Table 4 presents the results. The top line in the table shows that in-home workers make roughly 25 percent less than workers with similar characteristics in other occupations. The subgroup of in-home workers with the lowest wage penalty is maids, and there it is still extremely large, at -18.1 percent. Direct-care workers have the most severe hourly wage penalty, at -26.6 percent for agency-based in-home direct-care workers, and -26.1 percent for in-home direct-care workers who are not agency-based.

The remainder of the table shows how the wage penalty of in-home work differs for various demographic groups. The difference between what an in-home worker makes and what that worker would make if he or she were in another occupation is somewhat higher for men (-30.5 percent) than for women (-25.4 percent). At -16.5 percent, the in-home wage penalty for immigrants who are not naturalized U.S. citizens is very large, but is smaller than for U.S.-born citizens and naturalized U.S. citizens. Similarly, at -17.9 percent, the in-home wage penalty for Hispanic workers is large, but is smaller than for other racial and ethnic groups.

The more education credentials a worker has, the greater the wage penalty of in-home work, since workers with higher levels of educational attainment are more able to secure higher wages in other occupations. However, while workers without a high school degree face the lowest in-home work wage penalty of any education category, they still make 8.4 percent less than workers with similar characteristics who work in other occupations.

Similarly, the older a worker is, the greater the wage penalty of in-home work, since older workers are typically able to secure higher wages in other occupations. However, while workers under age 23 face the lowest wage penalty of in-home work of any age category, they still make 6.6 percent less than workers with similar characteristics who work in other occupations.

In short, Table 4 shows that the wages of in-home jobs are low. Regardless of what demographic group they belong to, in-home workers make significantly less than workers with similar characteristics who work in other occupations.

Table 4: Hourly wage penalty for in-home workers

	In-home	Maids and Housekeeping Cleaners	Nannies	Direct Care Aides	
				Not agency- based	Agency-Based
All	-24.7%***	-18.1%***	-25.8%***	-26.1%***	-26.6%***
<u>Gender</u>					
Female	-25.4%***	-18.0%***	-18.0%***	-26.4%***	-27.6%***
Male	-30.5%***	-46.1%***	-31.8%***	-28.6%***	-29.7%***
<u>Nativity</u>					
U.S. Born	-26.2%***	-27.4%***	-20.5%***	-27.0%***	-26.9%***
Naturalized U.S. Citizen	-25.6%***	-16.3%***	-29.7%***	-22.5%***	-29.0%***
Non-naturalized immigrant	-16.5%***	-8.1%***	-41.1%***	-23.1%**	-17.2%***
<u>Race/ ethnicity</u>					
White, non-Hispanic	-30.8%***	-28.8%***	-23.0%***	-30.4%***	-33.7%***
Black, non-Hispanic	-21.4%***	-13.9%**	-25.0%***	-22.1%***	-21.6%***
Hispanic, any race	-17.9%***	-10.1%***	-28.1%***	-16.9%**	-22.6%***
Asian	-30.7%***	-16.5%	-45.0%***	-34.8%***	-29.9%***
Other	-20.5%***	-13.1%	3.0%	-45.5%***	-21.6%***
<u>Education</u>					
Not high school graduate	-8.4%***	-5.8%**	-17.2%***	-26.0%***	-6.9%***
High school graduate	-20.8%***	-17.1%***	-18.9%***	-21.9%***	-22.2%***
Some college	-28.5%***	-31.5%***	-20.6%***	-17.3%***	-30.8%***
Bachelor's degree	-52.5%***	-42.4%***	-45.4%***	-44.7%***	-59.7%***
Advanced degree	-72.1%***	-80.8%***	-63.3%***	-70.1%***	-72.8%***
<u>Age</u>					
18-22	-6.6%***	-6.8%	-12.5%***	-16.0%	-1.2%
23-49	-25.2%***	-19.0%***	-33%***	-21.1%***	-26.5%***
50+	-27.0%***	-15.1%***	-32.4%***	-30.3%***	-30.2%***
Note: *** indicates significance at the .01-level; ** indicates significance at the .05-level; * indicates significance at the 0.1 level. OLS regressions control for gender, nativity, citizenship, race/ethnicity, educational attainment, age, marital status, urbanicity, and region of the country. Complete regression results available by request from the author. Source: Authors' analysis of Current Population Survey Outgoing Rotation Group pooled 2010-2012 microdata					

Many in-home workers work part time

One characteristic of most in-home occupations is that they are more likely to be part time than are other jobs. As **Table 5** shows, 47.5 percent of in-home workers are part time, compared with 19.7 percent of workers in other occupations. This, of course, means a shorter workweek; the length of the average workweek is 32.4 hours for in-home workers, compared with 38.4 hours for other workers (35 hours is the standard cutoff for a job to be considered full time). Maids have the shortest average workweek, at 26.7 hours. Childcare workers who provide care in their own homes, with an average workweek of 39.3 hours, are the exception to the generality that in-home workers have shorter workweeks than other workers.

The lower hourly wages received by in-home workers described in the previous section, combined with fewer hours worked on average, mean that the *weekly* paychecks of in-home workers are substantially lower than those of other workers. However, in comparing weekly paychecks it is important to note that many people who work part time do so by their own preference, because they want or need a part-time schedule given other interests or obligations. Table 5 further breaks down part-time workers into those who are part time for “economic” reasons (i.e., those who want and are available to work full time but have had to settle for a part-time schedule) and those who are working part time for “non-economic” reasons (those who are working part time by their own preference). In-home workers are much more likely than other workers to work part time because they cannot get the hours they want, but are also more likely than other workers to be working part time by their own preference. Nearly one-third (31.1 percent) of in-home workers are working part time by their own preference, compared with 13.7 percent of other workers. Roughly one in six in-home workers, or 16.4 percent, are working part time but want full-time work, compared with 6.0 percent of other workers. Maids are the most likely subgroup of in-home workers to be unable to get the hours they want, with more than a quarter (27.4 percent) involuntarily working part time.⁷

Full-time in-home workers receive very low weekly wages

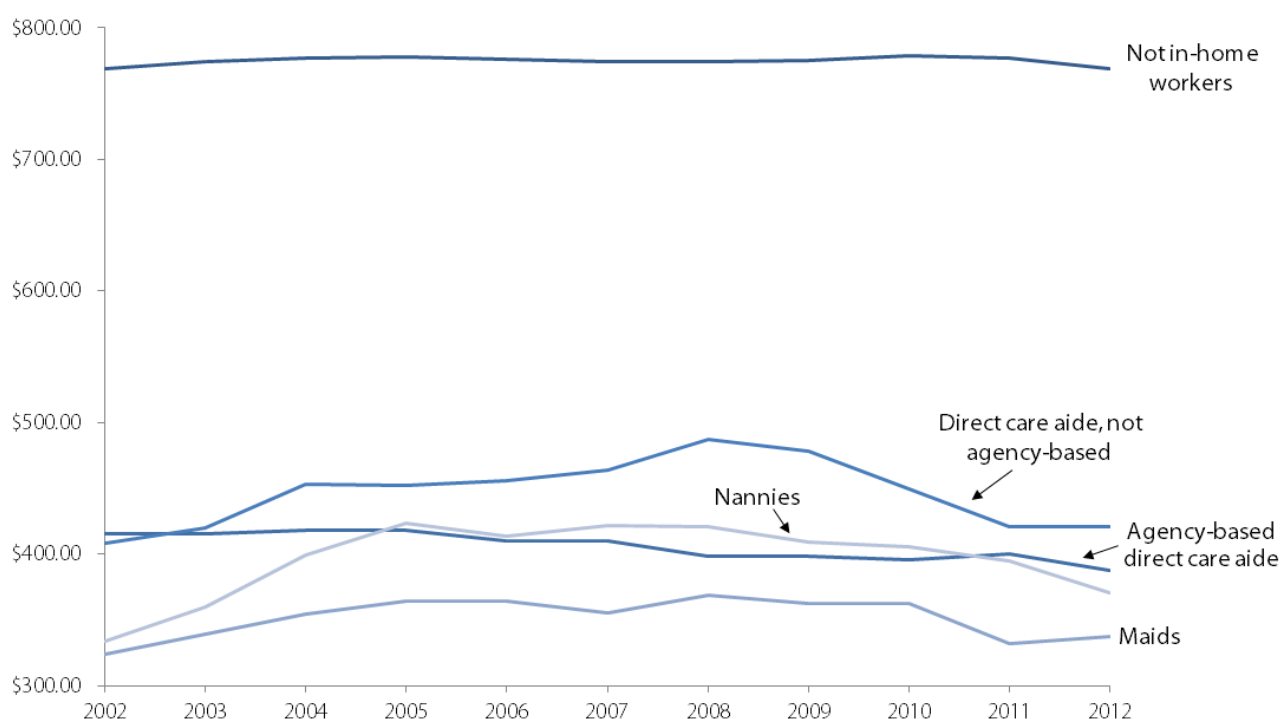
In this section we turn to an investigation of weekly wages for the full-time workforce, defined as people who either have full-time jobs or have part-time jobs but want and are available to work full time. (In practice, this includes everyone *except* people who are working part time by their own preference.) Restricting to people who have or want full-time work allows us to get a weekly wage comparison that is uncontaminated by the fact

⁷ Due to the ongoing weak demand for workers in the sluggish recovery, the share of workers who want and are available to work full time but have had to settle for a part-time schedule is roughly twice as high as it was before the Great Recession began. This is true for both in-home workers and other workers. Before the recession began as well as today, a greater share of in-home workers than other workers work part time but want full-time jobs.

that a higher share of in-home workers than other workers are working part time by their own preference.

Figure B shows median real weekly wages over 2002–2012 for those who have or want full-time jobs. As in Figure A, a striking feature of Figure B is that across the board, among both in-home workers and other workers, there has been little if any wage growth over this period (again, for more on stagnant wages for most workers in the last decade, see *A Decade of Flat Wages*, by Lawrence Mishel and Heidi Shierholz (2013)). Figure B also shows the large disparity between the weekly wages of in-home workers and those of other workers, with the disparities in weekly wages (Figure B) even more pronounced than those in hourly wages (Figure A).

Figure B: Median real weekly wages for those who have or want a full-time job, 2002–2012



Source: Author's analysis of Current Population Survey Outgoing Rotation Group, rolling 3-year pooled microdata (i.e., "2012" is pooled 2010–2012 data, "2011" is pooled 2009–2011 data, etc.)

Table 6 shows median real weekly wages in 2012 for the full-time workforce—i.e., those who have a full-time job and those who have a part-time job but who want and are available to work full time. For simplicity, this discussion will refer to these workers as full-time workers. In 2012, the median weekly wage for full-time in-home workers was \$382, more than 50 percent below the median weekly wage of other full-time workers, \$769. Of the subgroups of full-time in-home workers for whom weekly wages are available, direct-care aides who are not agency-based have the highest weekly wage, at \$421, 45.2 percent below the median weekly wage of not-in-home full-time workers. Among full-time in-home workers, maids have the lowest weekly wage, at \$337.

Table 6: Median weekly wages for those who have or want a full-time job

	Not in- home	In- home	Percent Difference	In-Home			
				Maids and Housekeeping Cleaners	Nannies	Direct Care Aides	
						Not- Agency Based	Agency- based
Median weekly wage	\$769	\$382	-50.3%	\$337	\$371	\$421	\$388
<u>Gender</u>							
Female	\$687	\$379	-44.8%	\$337	\$368	\$421	\$388
Male	\$842	\$408	-51.5%	\$415	*	\$470	\$404
<u>Nativity</u>							
U.S. Born	\$800	\$380	-52.5%	\$327	\$400	\$415	\$380
Naturalized U.S. Citizen	\$754	\$421	-44.1%	\$420	\$408	\$494	\$427
Non-naturalized immigrant	\$505	\$359	-29.0%	\$327	\$306	\$400	\$400
<u>Race/ ethnicity</u>							
White, non-Hispanic	\$850	\$392	-53.8%	\$368	\$400	\$451	\$399
Black, non-Hispanic	\$620	\$400	-35.5%	\$358	\$372	\$415	\$400
Hispanic, any race	\$551	\$350	-36.5%	\$332	\$348	\$400	\$363
Asian	\$883	\$4	-53.8%	\$480	\$327	*	\$408
Other	\$689	\$4	-42.2%	*	*	*	\$398
<u>Education</u>							
Not high school graduate	\$437	\$337	-22.9%	\$306	\$295	\$348	\$358
High school graduate	\$613	\$380	-38.0%	\$342	\$371	\$421	\$385
Some college	\$707	\$398	-43.7%	\$400	\$374	\$505	\$391
Bachelor's degree	\$1,039	\$442	-57.4%	\$557	\$450	*	\$430
Advanced degree	\$1,376	\$579	-57.9%	*	*	*	\$579
<u>Age</u>							
18-22	\$379	\$3	-11.1%	\$259	\$272	\$337	\$358
23-49	\$768	\$379	-50.6%	\$327	\$400	\$456	\$388
50+	\$883	\$403	-54.4%	\$382	\$390	\$421	\$404
*Indicates limited sample size							
Source: Authors' analysis of Current Population Survey Outgoing Rotation Group pooled 2010-2012 microdata							

Again, there are key differences by demographic group. Of full-time in-home workers, the demographic groups with the highest weekly wages are workers with a bachelor's (\$442) or advanced degree (\$579). However, workers with a Bachelor's or advanced degree are the *not*-in-home workers with the highest weekly wages, so the wage disparities between in-home and not-in-home workers are very high in these groups. Of in-home workers, the age group with the lowest weekly wages are workers age 18–22, with a median weekly wage of \$337. However, young workers are also the *not*-in-home workers with the lowest weekly wage, so the disparity between the wages of in-home workers and not-in-home workers is smaller among this age range than among other age ranges. Hispanics are another demographic group of in-home workers with particularly low wages, with a median weekly wage of \$350. But again, not-in-home Hispanic workers also have relatively low weekly wages, so the disparity in wages between in-home and not-in-home workers among Hispanics, while severe at -36.5 percent, is lower than it is among most other racial and ethnic groups.

Figure B and Table 6 show that full-time in-home workers have lower weekly wages than other full-time workers. But as above, in order to ascertain the true “penalty” of working in an in-home job—the difference between the wages an in-home worker receives and what she would get if she worked in another occupation—it is important to account for the fact that in-home workers have a different demographic profile than workers in other jobs. We thus turn to a regression analysis that controls for the differences in demographics between in-home workers and other workers. In other words, the results of this analysis demonstrate not the raw difference in weekly wages between full-time in-home workers and other full-time workers, *but the difference between the weekly wages earned by a full-time in-home worker and those earned by a similar full-time worker in another occupation*. This is the “weekly wage penalty” of full-time in-home work.

Table 7 presents the results. The top line in the table shows that in-home workers who have or want full-time jobs make roughly 36.5 percent less than workers with similar characteristics in other occupations. This is a bigger gap than exists with hourly wages (where, as seen in Table 4, the gap is -24.7 percent), which is unsurprising given the higher share of in-home workers working part time who want full-time work. The subgroup of in-home workers with the highest weekly wage penalty is maids, at -39.0 percent.

Table 7: Weekly wage penalty for in-home workers who have or want a full-time job

	In-home	Maids and Housekeeping Cleaners	Nannies	Direct Care Aides	
				Not agency- based	Agency-Based
All	-36.5%***	-39.0%***	-36.6%***	-34.1%***	-35.9%***
<u>Gender</u>					
Female	-37.2%***	-39.3%***	-38.5%***	-35.2%***	-35.4%***
Male	-43.2%***	-42.7%***	-40.9%**	-31.5%***	-45.0%***
<u>Nativity</u>					
U.S. Born	-39.6%***	-58.2%***	-33.2%***	-38.6%***	-38.6%***
Naturalized U.S. Citizen	-32.5%***	-32.4%***	-39.7%***	-24.7%**	-32.9%***
Non-naturalized immigrant	-28.0%***	-28.7%***	-45.3%***	-27.7%**	-20.8%***
<u>Race/ ethnicity</u>					
White, non-Hispanic	-44.9%***	-50.4%***	-36.7%***	-45.2%***	-45.7%***
Black, non-Hispanic	-30.5%***	-35.7%***	-30.2%**	-26.1%***	-30.6%***
Hispanic, any race	-31.0%***	-33.5%***	-31.0%***	-25.3%**	-29.3%***
Asian	-40.6%***	-19.8%	-58.0%***	-22.2%	-43.0%***
Other	-30.5%***	-37.2%	-34.0%***	-57.3%*	-26.6%***
<u>Education</u>					
Not high school graduate	-21.8%***	-29.6%***	-28.0%***	-30.7%**	-14.2%***
High school graduate	-31.6%***	-37.9 %***	-25.0%***	-25.7%***	-31.2%***
Some college	-39.4%***	-43.9%***	-33.7%***	-30.1%***	-40.6%***
Bachelor's degree	-63.9%***	-61.1%***	-55.2%***	-67.6%***	-68.3%***
Advanced degree	-74.7%***	-94.3%***	-68.8%***	-61.8%***	-74.5%***
<u>Age</u>					
18-22	-19.6%***	-38.6%	-32.2%***	3.6%	-11.2%
23-49	-36.7%***	-40.6%***	-39.1%***	-27.0%***	-35.9%***
50+	-37.7%***	-33.4%***	-33.6%***	-41.5%***	-39.1%***
Note: *** indicates significance at the .01-level; ** indicates significance at the .05-level; * indicates significance at the 0.1 level. OLS regressions control for gender, nativity, citizenship, race/ethnicity, educational attainment, age, marital status, urbanicity, and region of the country. Complete regression results available by request from the author. Source: Authors' analysis of Current Population Survey Outgoing Rotation Group pooled 2010-2012 microdata					

The remainder of the table shows how the weekly wage penalty of full-time in-home work differs for various demographic groups. The difference between what a full-time in-home worker makes and what that worker would make if employed in another

occupation is somewhat higher for men (-43.2 percent) than for women (-37.2 percent). At -28.0 percent, the full-time in-home wage penalty for immigrants who are not naturalized U.S. citizens is very large, but is somewhat smaller than for in-home workers born in the United States (-39.6 percent) or who are naturalized U.S. citizens (-32.5 percent).

As is the case with hourly wages, the more education credentials a worker has, the greater the weekly wage penalty of full-time in-home work, since workers with higher levels of educational attainment are potentially able to secure higher wages in other occupations. However, while full-time in-home workers without a high school degree face the lowest wage penalty of any education category, they still make 21.8 percent less than workers with similar characteristics who work in other occupations.

Similarly, the older a worker is, the greater the weekly wage penalty of full-time in-home work. However, while full-time in-home workers under age 23 face the lowest wage penalty of any age category, they still make nearly 20 percent less than workers with similar characteristics who work in other occupations. What Table 7 shows is that regardless of what demographic group they belong to, full-time in-home workers bring home significantly smaller paychecks than workers with similar characteristics who work in other occupations.

Annual and hourly earnings for in-home workers are very low

We now turn to a new data source, the Annual Social and Economic Supplement to the Current Population Survey, which provides information on fringe benefits such as health insurance and pensions, along with data on annual income and poverty. With this data source we are also able to examine annual *earnings*, which is what a worker earns on the job in a year. Earnings are a subset of income; income includes not just earnings but also other things such as unemployment insurance, child support, interest, dividends, Social Security, etc.

Table 8 shows median annual earnings for in-home workers and other workers. Median annual earnings of in-home workers—at \$12,252—are 62.7 percent below those of other workers. Among in-home workers, nannies have the lowest annual earnings, at \$9,000, while agency-based direct-care aides have the highest; however, at \$13,689, their annual earnings are still far less than half those of not-in-home workers.

Table 8 also includes hourly earnings, an alternative hourly wage measure to the one presented in Table 3. Hourly earnings are calculated for each worker by dividing annual earnings by total hours worked in the year. While this is a conceptually sound way to measure hourly wages, in practice it is considered to be less accurate than the one presented in Table 3, which uses a direct measure of hourly wages where available, and where it is unavailable, calculates the hourly wage for a much shorter period (one week versus one year). Nevertheless, we present this less-than-ideal measure because, unlike in Table 3, here we also have data for workers who provide childcare in their own homes. We find that these childcare workers have the lowest hourly earnings among in-

home workers, although they do not have the lowest annual earnings. This is due to their greater hours worked (see Table 5). At \$7.53, the hourly earnings of workers who provide childcare in their own homes are just slightly above the federal minimum wage (which has been set at \$7.25 since mid-2009).

Table 8: Earnings

	Not in-home	In-home	Percent Difference	Maids and Housekeeping Cleaners	Childcare Workers	Direct Care Aides		
					Nannies	Provide care in own home	Not agency-based	Agency-based
Median annual earnings	\$32,854	\$12,252	-62.7%	\$10,210	\$9,000	\$12,064	\$11,957	\$13,689
Median hourly earnings	\$17.62	\$9.45	-46.3%	\$10.00	\$9.23	\$7.53	\$10.22	\$9.81
Source: Authors' analysis of Current Population Survey Annual Social and Economic Supplement pooled 2010-2012 data								

Very few in-home workers receive fringe benefits

The preceding analysis shows that the wages—hourly, weekly, and annual—of in-home workers are substantially lower than the wages of workers in other occupations. We now turn to a comparison of the fringe benefits received by in-home workers and those received by other workers. **Table 9** examines the share of workers covered by employer-provided health insurance plans—i.e., the share covered by their own employer and not a spouse’s employer—and the share of workers covered by employer-provided pension plans. Just 12.2 percent of in-home workers have employer-provided health insurance, compared with 50.6 percent of workers in other occupations. Most of the in-home workers with employer-provided health insurance are direct-care workers, in particular those who are agency-based, 18.4 percent of whom are covered by an employer-provided health insurance plan (this is still 32.2 percentage points lower than the share of not-in-home workers with this benefit). Fewer than 5 percent of maids and those who provide in-home child care, and just 6.3 percent of nannies, have health insurance from their job.

The first row of Table 9 shows that in-home workers are much less likely to have employer-provided health insurance than other workers. However, to ascertain the true “penalty” of working in an in-home job—an in-home worker’s likelihood of receiving employer-provided health insurance as compared with the likelihood she would receive this benefit if she were employed in another occupation—it is important to account for the fact that in-home workers have a different demographic profile than other workers. As before, we turn to a regression analysis that controls for these demographic differences. The analysis demonstrates that the employer-provided health insurance

coverage rate is 28.4 percentage points lower for in-home workers than for workers with similar characteristics in other occupations. Nannies face the lowest employer-provided health insurance “penalty” among in-home workers, but their coverage rate is more than 20 percentage points lower than that of workers with similar characteristics who do not work in in-home occupations.

Table 9 also shows that just 7.0 percent of in-home workers are covered by an employer-provided pension plan, compared with 43.8 percent of workers in other occupations. Again, most of those in-home workers with coverage are direct-care workers, in particular those who are agency-based, 10.7 percent of whom are covered by an employer-provided pension plan (this is still 33.1 percentage points lower than the share of not-in-home workers with employer-provided pension coverage). Fewer than 3 percent of maids, nannies, and those who provide in-home child care have a pension plan from their job. And as is true with other measures, even after controlling for the demographic differences between in-home workers and other workers, the discrepancies in employer-provided pension plan coverage are stark: Coverage is 27.5 percentage points lower for in-home workers than for workers with similar characteristics in other occupations. Again, among in-home workers, nannies face the lowest employer-provided pension plan “penalty,” although at more than 20 percentage points, it is still severe. The key message of Table 9 is that in-home workers are much less likely to receive fringe benefits from their employers than are workers with similar characteristics in other jobs.

Most in-home workers do not have incomes high enough to make ends meet

Table 10 shows that across the board, in-home workers are much more likely to live in poverty than workers in other occupations; 23.4 percent of in-home workers live in poverty, compared with 6.5 percent of workers in other occupations, a 16.9 percentage-point difference. At 29.1 percent, maids are the subgroup of in-home workers most likely to live in poverty.

Even after controlling for demographic differences between in-home workers and other workers, the poverty rate among in-home workers is still 11.6 percentage points higher than among workers with similar characteristics in other occupations. Among in-home workers, this “poverty penalty” is highest among maids (at 14.4 percentage points) and lowest among childcare workers who provide care in their own homes (although it is still a sizable 7.7 percentage points among these workers).

Table 10 also shows the “twice-poverty rate,” the share of in-home and other workers whose income is below twice the official poverty line. Poverty researchers generally do not consider the poverty rate to be a good measure of the share of families who cannot make ends meet, in part because the poverty thresholds were set in the 1960s and have not evolved to reflect changing shares of spending on various necessities by low-income families. Instead, “twice poverty” is often used as a better cutoff for whether or not a family is able to make ends meet. For reference, in 2012, the poverty threshold for a family of four was \$23,492, and the “twice poverty” threshold was \$46,984.

More than half of in-home workers (51.4 percent) live below twice the poverty threshold, compared with 20.8 percent of other workers, a 30.6 percentage-point difference. Even after controlling for demographic differences between in-home workers and other workers, the share of in-home workers living below twice the poverty line is still 19.4 percentage points higher than that of workers with similar characteristics in other occupations. Among in-home workers, this “twice-poverty penalty” is highest among agency-based direct-care workers (23.5 percentage points) and maids (23.4 percentage points).

Table 9: Employer-provided health insurance and pensions

	Not in- home	In- home	Percentage point difference	Maids and Housekeeping Cleaners	Childcare Workers		Direct Care Aides	
					Nannies	Provide care in own home	Not agency- based	Agency- based
Employer-provided health insurance coverage	50.6%	12.2%	-38.5	4.9%	6.3%	3.2%	12.1%	18.4%
Employer-provided pension coverage	43.8%	7.0%	-36.8	2.4%	2.7%	2.8%	6.3%	10.7%
In-home worker employer-provided health insurance			-28.4***	-29.4***	-20.9***	-41.4***	-32.2***	-23.7***
In-home worker employer-provided pension penalty			-27.5***	-25.6***	-21.1***	-38.7***	-32.3***	-24.5***
Note: *** indicates significance at the .01-level; ** indicates significance at the .05-level; * indicates significance at the 0.1 level. OLS regressions control for gender, nativity, citizenship, race/ethnicity, educational attainment, age, marital status, urbanicity, and region of the country. Complete regression results available by request from the author.								
Source: Authors' analysis of Current Population Survey Annual Social and Economic Supplement pooled 2010-2012 microdata								

Table 10: Poverty

	Childcare Workers					Direct Care Aides		
	Not in- home	In- home	Percentage point difference	Maids and Housekeeping Cleaners	Nannies	Provide care in own home	Not agency- based	Agency- based
Share below the poverty line	6.5%	23.4%	16.9%	29.1%	23.3%	17.3%	18.9%	24.4%
Share below twice the poverty line	20.8%	51.4%	30.6%	64.0%	43.2%	39.0%	43.5%	54.8%
In-home worker poverty penalty			11.6***	14.4***	10.9***	7.7***	12.0***	12.6***
In-home worker twice poverty penalty			19.4***	23.4***	12.2***	11.7***	17.0***	23.5***
Note: *** indicates significance at the .01-level; ** indicates significance at the .05-level; * indicates significance at the 0.1 level. OLS regressions control for gender, nativity, citizenship, race/ethnicity, educational attainment, age, marital status, urbanicity, and region of the country. Complete regression results available by request from the author.								
Source: Authors' analysis of Current Population Survey Annual Social and Economic Supplement pooled 2010-2012 data								

In-home occupations are growing rapidly

In-home occupations are a fast-growing part of the labor market. **Table 11** presents data from the Employment Projections program of the Bureau of Labor Statistics (BLS). It shows employment levels in 2010 for in-home occupations and other occupations, along with projected employment levels in 2020.⁸ Altogether, in-home occupations are expected to grow much faster than other occupations this decade, with in-home occupations growing 53.2 percent, compared with 14.3 percent for other occupations. The strong growth is being driven mainly by the increase in direct-care workers (personal care aides and home health aides), which according to BLS projections are the two fastest-growing occupations in the economy.

In our categories of in-home workers, agency-based direct-care workers are expected to see the strongest growth, with employment expected to nearly double this decade. Workers who provide childcare in their own homes and not-agency-based direct-care workers are also expected to see strong growth this decade, at 25.8 percent and 21.5 percent, respectively. In-home maids are expected to see declines this decade, but recall these numbers do not include agency-based in-home maids because of data limitations. Employment for all wage and salary maids—including in-home maids and those who work in hotels, hospitals, etc.—is expected to grow 7.9 percent over this period (not shown in the table).

Conclusion

This paper has documented the very low compensation received by in-home workers—compensation that leaves most in-home workers living below twice the official poverty threshold. What can be done?

Though individual employers of in-home workers can and should improve their employees' wages and benefits, policy changes at the state and federal level are needed to rectify the exclusion of many in-home workers from employment and labor laws. Three states—New York, Hawaii, and California—have already each signed into law a bill of rights for domestic workers. Other states should follow suit.

⁸ All but one of the in-home occupations are defined in exactly the same way here as they are defined earlier in the paper (see endnote 1 for details). The only difference is that here, due to data limitations, workers who provide childcare in their own homes are defined as any childcare workers who are self-employed (either incorporated or unincorporated). Prior to this analysis, the definition of workers who provide childcare in their own homes is somewhat more restrictive: childcare workers who work in the child day care services industry who are self-employed *but not incorporated*. The difference between the two definitions is small (in the 2012 Current Population Survey Outgoing Rotation Group data we find 367,000 in-own-home childcare workers using the more restrictive definition, and 398,000 using the looser definition) and is unlikely to affect any conclusions about the projected growth of in-home work.

Furthermore, policies that improve job quality for low-wage workers in general will boost the prospects of in-home workers. These include measures such as a sizable increase in the minimum wage, a stronger social safety net, and the provision of paid sick days. Additionally, comprehensive immigration reform that includes a path to citizenship for unauthorized immigrant workers would raise their wages and working conditions by making them less vulnerable to exploitation, and through positive “spillover” effects, this could also boost the wages of other workers—either authorized immigrant workers or native-born workers—who do the same jobs as unauthorized immigrants do.

Finally, at a time like this, when wages and incomes are being severely depressed by high unemployment, a major fiscal expansion—e.g., substantial investment in infrastructure, fiscal relief to states, and direct job creation programs in states hardest-hit by the recession—would help get the economy back on its feet. This would help reverse the severe erosion of wages and job quality that is being caused by the weak economy that has prevailed in the aftermath of the Great Recession.

— *Excellent research assistance provided by Alyssa Davis*

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**The Next Frontier: Preventing and Litigating Family
Responsibilities Discrimination**

Joan Williams

This paper was prepared with funding from the U.S. Department of Labor. The views expressed are those of the authors and should not be attributed to the Federal Government or the Department of Labor.

I. Introduction

Family Responsibilities Discrimination (“FRD”), also known as caregiver discrimination, was first articulated as a discriminatory employment practice in the early 2000s.¹ By 2010, FRD cases had increased almost 400 percent, making it perhaps the fastest growing area of employment law.² FRD grew out of the numerous statutes in the 1960s and 1970s designed to end discrimination against individuals on the basis of race and gender—passage of which was largely driven by President John F. Kennedy’s Commission on the Status of Women (“PCSW”), established by executive order in 1961. This influential commission, headed by Eleanor Roosevelt until her death, was charged with reviewing progress and making recommendations for constructive action in a number of areas. These included differences in the legal treatment of men and women in regard to political and civil rights, property rights, and family relations, and the employment policies and practices of the government of the United States. The Commission also advocated for additional affirmative steps to be taken through legislative, executive, or administrative action to ensure nondiscrimination on the basis of sex and to enhance constructive employment opportunities for women.

The PCSW culminated with a report (*American Women, Report of the President’s Commission on the Status of Women*), published in 1963. The report recognized the “subtle limitations imposed by custom, upon occasion reinforced by specific barriers.” It found that some of the discriminatory provisions were contained in the common law, some were written into statute, some were upheld by court decisions, and others took the form of practices of industrial, labor, professional, or governmental organizations that discriminated against women in apprenticeship, training, hiring, wages, and promotion.³

While recognizing that women were negatively impacted by certain policies and practices, the Executive Order establishing the PCSW embodied the assumption that women would (and should) continue in their role as the primary caretakers of their families. It stated:

WHEREAS a Governmental Commission should be charged with the responsibility for developing recommendations for *overcoming discriminations* in government and private employment on the basis of sex and for developing recommendations for services which will enable women to *continue their role as wives and mothers* while making a maximum contribution to the world around them.

(Emphasis added.)⁴ The PCSW's strong commitment to eliminating discrimination against women in the workforce was undercut by widespread assumptions about motherhood that continue to the present day. Social scientists have now documented that motherhood triggers strong negative competence and commitment assumptions that lead to "maternal wall" bias, wherein employees who become pregnant, become mothers, or begin working on a flexible work arrangement are penalized at work.⁵ Indeed, the leading study on maternal wall bias found that mothers were 37% less likely to be recommended for hire, only half as likely to be promoted, and offered an average of \$11,000 less in salary than candidates with identical resumes but no children.⁶ In addition, even mothers who are indisputably committed and competent are often penalized at work because they are seen as less likable than their peers—and perhaps as not-so-good mothers.⁷

The maternal wall for mothers is matched by the flexibility stigma for fathers. Fathers who request parental leave or a flexible schedule trigger sharp workplace penalties that stem from gender discrimination: studies show these men are penalized because they are seen as too feminine.⁸ Indeed, even men who request no accommodations whatsoever encounter high levels of "masculinity harassment" if they

make their caregiving responsibilities salient on the job.⁹ This social science has paved the way for legal theories that challenge caregiver discrimination as gender discrimination.

II. The Face of Family Responsibilities Discrimination in the Workplace

FRD in the workplace occurs when an employer takes an adverse action (such as termination, denial of a promotion, or refusal to hire) against an employee because of the employee's caregiving responsibilities. FRD may include pregnancy discrimination, discrimination against mothers and fathers, and discrimination against workers with other family caregiving responsibilities. While FRD most commonly affects pregnant women and mothers of young children, it can also affect fathers who wish to take on more than a nominal role in family caregiving and employees who care for aging parents, or ill or disabled partners.

FRD law has developed rapidly in the past two decades. While FRD lawsuits were once brought primarily by mothers under the legal theory of "sex-plus" discrimination,¹⁰ today FRD is seen as gender discrimination, pure and simple. Plaintiffs have successfully alleged FRD using more than a dozen causes of action under numerous federal statutes.¹¹

By 2007, FRD had become such a significant issue that the EEOC issued enforcement guidance intended to define FRD, summarize the state of FRD law, and offer employers guidance on how to prevent discrimination against caregivers.¹² The EEOC Guidance noted that no federal law prohibits discrimination against caregivers *per se*, but that "there are circumstances in which discrimination against caregivers might

constitute unlawful disparate treatment” under Title VII, specifically when such discrimination embodies a stereotype on the basis of sex or gender.¹³ The Guidance also points out that “In addition to sex discrimination, race or national origin discrimination may be a further employment barrier faced by women of color who are caregivers.” To describe the type of stereotyping that might give rise to a claim for FRD, the EEOC quoted Chief Justice Rehnquist in the following passage from its guidance:

“[T]he faultline between work and family [is] precisely where sex-based overgeneralization has been and remains strongest.” Sex-based stereotyping about caregiving responsibilities is not limited to childcare and includes other forms of caregiving, such as care of a sick parent or spouse. Thus, women with caregiving responsibilities may be perceived as more committed to caregiving than to their jobs and as less competent than other workers, regardless of how their caregiving responsibilities actually impact their work. Male caregivers may face the mirror image stereotype: that men are poorly suited to caregiving. As a result, men may be denied parental leave or other benefits routinely afforded their female counterparts. Racial and ethnic stereotypes may further limit employment opportunities for people of color.¹⁴

The EEOC makes clear that “[e]mployment decisions based on [stereotypes of caregivers] violate federal antidiscrimination statutes Thus, for example, employment decisions based on stereotypes about working mothers are unlawful because ‘the antidiscrimination laws entitle individuals to be evaluated as individuals rather than as members of groups having certain average characteristics.’”¹⁵

FRD cases often involve similar fact patterns, including the following;

- A woman’s position is “eliminated” while she is on maternity leave, yet someone else is hired to do the work she had been doing;
- A father who takes time off to be with his children receives an impossibly heavy workload from his supervisor and is thereafter penalized for not being able to carry this burden;
- A mother isn’t considered for promotion because her supervisor thinks she won’t want to work any additional hours now that she has young children;
- A man is fired when he asks for leave to care for his elderly parents.

When an employee faces any of the above adverse actions, s/he has a claim for FRD.

The following section describes some of the legal frameworks under which an employee may bring an FRD claim.¹⁶

III. Federal Laws Most Commonly Used to Litigate FRD Claims

No federal statute expressly prohibits discrimination against caregivers.

Causes of action for FRD arise from numerous federal and state statutes, municipal ordinances, and from common law. This paper focuses on federal law, but practitioners representing caregivers should thoroughly research any applicable state or municipal law, as well as common law theories of action.

A. Title VII

Title VII, passed one year after the Commission's report was published, prohibits discrimination in employment on the basis of gender (including pregnancy), race, color, religion, and/or national origin. Although, as discussed above, Title VII does not prohibit discrimination against caregivers *per se*, there are circumstances in which discrimination against caregivers might constitute unlawful discrimination on the basis of gender/sex or pregnancy.¹⁷

Title VII claims for discrimination based on any protected classification are generally litigated under two theories of discrimination: "disparate treatment," in which the employer *intends* to discriminate against an employee within a "protected classification" such as gender; and disparate impact, a form of unintentional discrimination where an employer has a policy that is neutral on its face, but which has a disproportionately negative effect on a protected class (such as women or men).¹⁸

1. Disparate Treatment Claims

In order to bring a claim for FRD under a theory of disparate treatment, a plaintiff must first make out a “prima facie case.”¹⁹ A prima facie case is made up of four elements. First, a plaintiff must show that s/he is part of a protected class; she is qualified for the position; she has suffered an “adverse employment action,” such as termination or refusal to hire; and finally, she must provide evidence giving rise to an inference of unlawful discrimination.²⁰ Once the plaintiff has established her prima facie case, the burden shifts to the employer to proffer a “legitimate, non-discriminatory reason” for its adverse action against the plaintiff (such as a need to reduce the workforce or a plaintiff’s performance problems). At this point, a plaintiff must show that the employer’s proffered legitimate justification is pretextual or false in order to prevail on a claim for discrimination.

a. Proving membership in a protected class with evidence of sex-based stereotyping

Proving a claim for FRD under a disparate treatment theory presents one particular hurdle of which litigators should be aware: because “caregiver” status is not itself a protected class, a plaintiff must generally link her caregiver status to gender or sex.²¹ In other words, a plaintiff must show that her employer discriminated against her because of a stereotype regarding caregivers that is linked in some way to gender or sex. Adverse employment actions motivated by a sex-based stereotype can be sex discrimination under Title VII.

The theory of sex-based stereotypes was first developed in *Price Waterhouse v. Hopkins*, in which the U.S. Supreme Court found an employer's negative treatment of a female employee to be a violation of Title VII because the employer's reason for taking the adverse action was that the employee was not feminine enough: she did not wear makeup or jewelry, or have her hair styled.²²

Stereotyping in the context of FRD is most classically the assumption that mothers are no longer committed to their careers once they have children. In several federal cases, plaintiffs have alleged stark stereotyping evidence of discrimination on the basis of family responsibilities by their supervisors. In *Moore v. Alabama State University*, for example, the plaintiff alleged that her supervisor had told her that he could not promote her because she was pregnant, and later told her that she could not be considered for the promotion because she was a married mother.²³ In *Lust v. Sealy, Inc.*, a supervisor admitted that he didn't consider recommending a female subordinate for a position that required relocation because she had children and he didn't think she'd want to relocate her family.²⁴ The plaintiff, of course, had never told him any such thing; the court found that "On the contrary, she had told him again and again how much she wanted to be promoted, even though there was no indication that a Key Account Manager's position would open up any time soon in Madison."²⁵

b. Proving FRD discrimination without relying on "comparator" evidence

Another hurdle faced by plaintiffs in FRD claims (and all other Title VII claims) is the requirement imposed by some courts that the plaintiffs proffer a comparator. In an FRD claim, a comparator might be another worker without children, less qualified for promotion than the caregiving plaintiff, who nonetheless receives the promotion.

Comparator evidence is, however, not necessary to prove an FRD claim. Even the *McDonnell-Douglas* court recognized that the elements of the test were not meant to be rigid or inflexible.²⁶ Nonetheless, courts sometimes apply the test in an inflexible manner, insisting that a plaintiff show, at the prima facie stage or at the pretext stage, that a similarly situated worker outside the plaintiff's protected class (a comparator) was treated more favorably or differently than the plaintiff.²⁷

It is important to recognize (and to ensure that the trier of fact understands) that comparator evidence is only one way of proving a disparate treatment case. Title VII requires plaintiffs to prove that an adverse employment action is "because of . . . sex." Nothing in the language of Title VII requires limiting probative evidence of discrimination to comparator evidence. Appropriately, many courts allow plaintiffs to survive summary judgment even if they have not identified comparators.²⁸ A variety of methods permit proof of disparate treatment without comparators, including evidence that the adverse action was based on sex stereotyping (as discussed above) or occurred under circumstances giving rise to an inference of discrimination such as temporal proximity²⁹ or remarks indicating discriminatory animus (intention).³⁰

2. *Disparate Impact Claims*

As discussed above, disparate impact is another theory of discrimination under Title VII, separate from disparate treatment. In a disparate treatment claim, an employer has a policy in place that appears neutral on its face – that is, it does not explicitly discriminate against a protected class. However, if that policy has a disproportionately negative impact on women (or any other "protected class," *e.g.*, a racial or religious group), it may be unlawful under Title VII. An example of a neutral policy that has a

disproportionately negative impact on women or caregivers would be a strict attendance policy that does not allow employees to take time off to care for ill family members.³¹ Obviously, caregivers would suffer far more from such a policy than a non-caregiver. The employer could therefore be liable under Title VII. Importantly, a disparate impact claim does not require the employee to show that the employer harbored discriminatory intent.

Disparate impact claims often have proven to be an uphill battle for plaintiffs, however. Plaintiffs typically seek to prove disparate treatment cases with statistical evidence, showing that the employer's neutral policy disproportionately affected the protected class at issue (for our purposes, caregivers). Courts have placed stringent requirements on statistical evidence; however, many of them are erroneous adoptions of statistical principles.³² In addition, in failure to hire cases, courts have required that the relevant statistical pool be comprised only of individuals interested in the job at issue and qualified for that job.³³

B. Family and Medical Leave Act Claims (FMLA)

The Family and Medical Leave Act (FMLA)³⁴ provides up to 12 weeks per year of job-protected, unpaid leave for employees who: 1) have a serious health condition; 2) need to care for a family member (spouse, child, or parent) with a serious health condition or have a new child in their family; and/or 3) need to tend to a qualifying exigency arising out of a family member's (spouse, son, daughter, or parent) active-duty military status. FMLA leave may be taken all at once or intermittently.

FMLA provides qualifying employees with three types of protection. First, an employer may not interfere with, restrain or deny exercise of rights afforded by FMLA.

Second, an employer may not discipline or discharge an employee for taking FMLA leave. And third, an employer may not discharge or discriminate against an employee for opposing unlawful practices under the FMLA.

1. FRD Cases under the FMLA

Two types of FRD cases are commonly brought under the FMLA. The first type is when an employer takes an action that interferes with the employee's leave. Such interference may be refusing to grant an employee leave or discouraging the employee from taking the leave. The second type of claim occurs when an employer discriminates or retaliates against an employee for taking the leave.

2. Limitations of FMLA Claims

The FMLA has a few significant limitations. First, the statute only applies to (1) public agencies and (2) private-sector employers who have fifty or more employees in 20 or more workweeks in the current or preceding calendar year within seventy-five miles of the worksite in question—thus exempting employers who have hundreds of employees but less than fifty in any one geographic location. The impact of this is to exempt 60% of U.S. employers from FMLA obligations.

Another limitation on FMLA coverage is that, when used to cover time away from work to care for an ill family member, the relevant illness must fit the statutory definition of “serious health condition.” This is defined as: “an illness, injury, impairment, or physical or mental condition that involves [either] inpatient-care . . . or continuing treatment by a health care provider.” The FMLA was never intended to cover a short-term, moderate illness but rather is limited to extended absences necessitated by serious illnesses.

3. *The Americans with Disabilities Act May Offer Additional Leave*

The ADA, discussed in detail below, prohibits an employer from discriminating against an individual with a disability and also requires the employer to provide a disabled individual with a reasonable accommodation if doing so would allow the employee to perform his or her job. This provision sometimes allows workers to extend their family leaves beyond the twelve-week period provided for under the FMLA. Under the ADA's regulations, it is a reasonable accommodation to grant an employee a leave of absence (intermittent or otherwise) in order to deal with a disability, so long as that leave is not indefinite. Thus, if a pregnant woman has exhausted her FMLA leave but requires more time to recover from a pregnancy-related condition, she should ask her employer for an accommodation under the ADA (or similar state law).³⁵

C. The Americans with Disabilities Act ("ADA")

The ADA³⁶ protects workers from discrimination based on family responsibilities in two distinct ways. First, it prohibits discrimination based on a worker's association with an individual with a disability. In addition, pregnant women are often entitled to workplace accommodations under the ADA.

FRD claims under the "ADA association clause" may arise when a caregiver takes time off from work to care for a family member with a disability. The EEOC has issued regulations explaining the interaction of the ADA with FRD:

[A] qualified applicant without a disability applies for a job and discloses that his or her spouse has a disability. The employer thereupon declines to hire the applicant because the employer believes that the applicant would have to miss work or frequently leave work early in order to care for the spouse. Such a refusal to hire would be prohibited by [the ADA].³⁷

It is important to note, however, that although the ADA requires an employer to make reasonable accommodations for employees with disabilities (such as modifications to an employee's workstation), it does not require an employer to provide accommodations for caregivers.

Blue-collar and low-wage women often lose their jobs when their employers deny them accommodations required as a result of their pregnancies, including accommodations as simple as the right to carry a water bottle or to have a work station closer to the restroom (due to severe nausea).³⁸ Today, pregnant women often are entitled to accommodation under the ADA as a result of the 2008 ADA amendments, the Americans with Disabilities Amendments Act (ADAAA).³⁹ Following those amendments, many pregnancy-related conditions now qualify as "disabilities," thereby entitling pregnant women to accommodations for medical conditions caused by pregnancy. Thus, a pregnant woman suffering from gestational diabetes is entitled to a reasonable accommodation from her employer in order to cope with the symptoms of that condition. So, too, is a woman suffering from carpal tunnel syndrome, which occurs far more frequently in pregnant women than in any other population.⁴⁰

D. The Employee Retirement Income Security Act (ERISA)

The Employee Retirement Income Security Act (ERISA)⁴¹ has been used by caregivers to challenge an employer's decision to terminate based on the employer's fear of high health insurance costs where parents have disabled children or where mothers have expensive, high-risk, pregnancies.⁴² ERISA has also been used to obtain relief when an employer terminates a pregnant employee in order to prevent the employee from taking a maternity leave.⁴³

IV. How Common Are FRD Cases and How Successful Are They?

FRD cases are increasingly common. The Center for WorkLife Law (WLL) at UC Hastings College of the Law documented a 400% increase in FRD claims in the last decade as compared to the prior decade. In comparison, there was only a 23% increase in all other discrimination claims during the same time period. Moreover, plaintiffs win FRD cases at a higher rate than other employment-related cases. FRD cases identified by WLL show a greater than 50% success rate for the plaintiff, which presents serious risk management concerns for employers, given that FRD plaintiffs have received substantial awards and settlements. One plaintiff was awarded \$11.65 million, another received \$1.8 million, a third was awarded \$1.6 million, and a fourth obtained \$940,001.⁴⁴

Employers, then, should be aware that FRD claims are a potentially serious source of liability. To avoid liability for FRD, employers should train personnel so that they do not inadvertently violate the law and create liability for their company clients.

VI. Conclusion and Recommendations

When the final report of the PCSW was published in 1963, it sought to create a workplace where women and men participated as equals. This goal has yet to be achieved, but thanks to legislation such as Title VII, the workplace has become much more hospitable for women. The report assumed that women would participate in the workforce while continuing to shoulder most or all family responsibilities. Increasingly, mothers are not the only Americans with caregiving responsibilities. Many fathers now shoulder childcare duties, and workers' eldercare responsibilities are growing sharply due to the increase in the population of older Americans and the fact that many Americans

cannot retire due to economic conditions in the U.S.⁴⁵ In 1963, the Report of the PCSW helped to elucidate the obstacles to women's fulfillment of their potential. In the legal realm, the Commission devoted a section of its report to "Women under the Law." It recognized that "Equality of rights under the law for all persons, male or female, is so basic to democracy and its commitment to the ultimate value of the individual that it must be reflected in the fundamental law of the land." At that time the Commission was convinced that the U.S. Constitution embodied equality of rights for men and women (under the 5th and 14th Amendments to the Constitution) and that a constitutional amendment did not need to be sought to establish that principle. Since that time, much legislation addressing sex discrimination has been enacted.

The stereotype that the home is primarily or solely the province of the woman all too often gives rise to workplace bias prohibited under more than a dozen statutes and legal theories. Although a majority of FRD claims have been successful under a wide variety of theories, if and when Congress considers amendments to Title VII, it should expressly prohibit gender discrimination based on parental status and family responsibilities.

In the interim, employers should take steps to prevent family responsibilities discrimination. A good first step is to add language prohibiting FRD to one's existing human resource materials. The Center for WorkLife Law offers a model policy employers can use to signal their intention to prohibit FRD.⁴⁶ Employers also should ensure that their managerial employees know of FRD and have a resource for educating themselves about it. In addition, the need for maternity, disability, or FMLA leave should be anticipated by employers and the legal requirements for allowing such leave, *e.g.*,

notice provisions, manner and means of taking leave, and length of leave, should be outlined in detail. Employers should also conduct periodic self-evaluations to ensure that external and internal leave policies are being adhered to appropriately. Internal grievance procedures may help in preventing litigation at an early stage so that employees who believe they have been discriminated against on the basis of their status as a caregiver can raise the issue internally, hopefully avoiding the need for litigation.

1. Joan C. Williams and Nancy Segal, “The New Glass Ceiling: Mothers and Fathers Sue for Discrimination” (report, San Francisco, California, 2002), 2.

2. Cynthia T. Calvert, “Family Responsibilities Discrimination: Litigation Update 2010” (report, San Francisco, California, 2010), 2; Joan C. Williams and Nancy Segal, “Beyond the Maternal Wall: Relief for Family Caregivers Who Are Discriminated Against on the Job,” *Harvard Women’s Law Journal* 26 (2003): 77-82.

3. Invitation to Action, American Women, p. 4.

4. Executive Order 10980, “Establishing the President’s Commission on the Status of Women,” *Federal Register* 26 (1961): 12059.

5. Williams and Segal, “Beyond the Maternal Wall,” 77-78.

6. Shelley J. Correll, Stephen Benard, and In Paik, “Getting a Job: Is There a Motherhood Penalty?” *American Journal of Sociology* 112, no. 5 (2007): 1316, 1320-1321; Stephen Benard and Shelley J. Correll, “Normative Discrimination and the Motherhood Penalty,” *Gender and Society* 24, no. 5 (2010): 616-646.

7. Benard and Correll, “Normative Discrimination and the Motherhood Penalty,” 639.

8. Joseph A. Vandello et al., “When Equal Isn’t Really Equal: The Masculine Dilemma of Seeking Work Flexibility,” *Journal of Social Issues* 69, no. 2 (2013): 314-315.

9. Correll et al., “Getting a Job”; Amy J.C. Cuddy, Susan T. Fiske, and Peter Glick, “When Professionals Become Mothers, Warmth Doesn’t Cut the Ice,” *Journal of Social Issues* 60, no. 4 (2004).

10. Employers cannot discriminate on the basis of sex plus other factors such as having school age children. *See Phillips v. Martin Marietta Corp.* in Milestones in the History of the U.S. Equal Employment Opportunity Commission, 1971, *available at* www.eeoc.gov/eeoc/history/35th/milestones/1971.html.

11. Cynthia T. Calvert and Joan C. Williams, preface to *WorkLife Law's Guide to Family Responsibilities Discrimination*, (San Francisco: Center for WorkLife Law, 2006).

12. Calvert, "Litigation Update 2010," 10; Equal Employment Opportunity Commission, "Enforcement Guidance: Unlawful Disparate Treatment of Workers with Caregiving Responsibilities" (enforcement guidance by an administrative agency, 2007).

13. Equal Employment Opportunity Commission, "Enforcement Guidance."

14. *Ibid.*

15. Equal Employment Opportunity Commission, "Enforcement Guidance"; **Lust v. Sealy, Inc.**, 383 F.3d 580, 583 (7th Cir. 2004).

16. Calvert and Williams, *WorkLife Law's Guide to Family Responsibilities Discrimination*.

17. Discussed *infra*.

18. Calvert and Williams, *WorkLife Law's Guide to Family Responsibilities Discrimination*, 1-1.

19. *McDonnell Douglas v. Green*, 411 U.S. 792, 802 (1973).

20. *Ibid.*

21. Calvert and Williams, *WorkLife Law's Guide to Family Responsibilities Discrimination*, 1-3, 1-4.

22. *Price Waterhouse v. Hopkins*, 490 U.S. 228, 109 S. Ct. 1775, 104 L. Ed. 2d 268 (1989).

23. *Moore v. Alabama State Univ.*, 980 F. Supp. 426, 431 (M.D. Ala. 1997).

24. *Lust v. Sealy, Inc.*, 383 F.3d 580, 583 (7th Cir. 2004).

25. *Id.*

26. *McDonnell Douglas v. Green*, 411 U.S. 792, 802 n.13 (1973).

27. See, e.g., *Bass v. Chemical Banking Corp.*, No. 94 Civ. 8833 (SHS), 1996 WL 374151, at *6 (S.D.N.Y. July 2, 1996); *Coleman v. B-G Maintenance Management*, 108 F.3d 1199, 1204 (10th Cir. 1997); *Stout v. Baxter Healthcare Corp.*, 282 F.3d 856, 859-860 (5th Cir. 2002); *Troupe v. May Dept. Stores Co.*, 20 F.3d 734, 735 (7th Cir. 1994) (ruling against plaintiff where she failed to identify a similarly situated male comparator); *Urbano v. Cont'l Airlines, Inc.*, 138 F.3d 204, 206 (5th Cir. 1998) (rejecting plaintiff's claim on the grounds that employees injured on the job are not similarly situated to pregnant employees).

28. See, e.g., *Abdu-Brisson v. Delta Air Lines, Inc.*, 239 F.3d 456, 468 (2d Cir. 2001); *Fernandes v. Costa Bros. Masonry, Inc.*, 199 F.3d 572, 584 (1st Cir. 1999).

29. Equal Employment Opportunity Commission, "Enforcement Guidance." Thus, the plaintiff's comparator may be rejected because the incident involving the comparator did not occur sufficiently close in time to the adverse employment action alleged by the plaintiff.

30. *Ibid.*

31. See, e.g., *Roberts v. United States Postmaster Gen.*, 947 F. Supp. 282, 288-89 (E.D. Tex. 1996) (concluding that employee's claims that the employer's refusal to allow her to use sick leave to care for her child raised a claim of disparate impact).

32. Kingsley R. Browne, "Statistical Proof of Discrimination: Beyond 'Damned Lies'," *Washington Law Review* 68 (1993): 478, 486-487; Marcel C. Garaud, "Legal Standards and Statistical Proof in Title VII Litigation: In Search of a Coherent Disparate Impact Model," *University of Pennsylvania Law Review* 139 (1990): 456-457.

33. *Hazelwood School Dist. v. U.S.*, 433 U.S. 299, 308 (1977).

34. 29 U.S.C. §§ 2601-2653 (2012).

35. See Equal Employment Opportunity Commission Fact Sheet: *The Family and Medical Leave Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act of 1964* (1995), <http://www.eeoc.gov/policy/docs/fmlaada.html>, at Q&A 12 ("An otherwise qualified individual with a disability is entitled to more than 12 weeks of unpaid leave as a reasonable accommodation if the additional leave would not impose an undue hardship on the operation of the employer's business."); Joan C. Williams, Robin Devaux, Danielle Fuschetti & Carolyn Salmon, *A Sip of Cool Water: Pregnancy Accommodation after the ADA Amendments Act*, 32 *Yale L. & Pol'y Rev.* (forthcoming Jan. 2014).

36. 42 U.S.C. § 12101 *et seq.* (2013).
37. Equal Employment Opportunity Commission, “Interpretive Guidance on Title I of the Americans with Disabilities Act,” 29 C.F.R. § 1630.8 app.
38. Williams et al., *A Sip of Cool Water: Pregnancy Accommodation after the ADA Amendments Act*.
39. *Id.*; see also *Fact Sheet: The Pregnancy Discrimination Act and the Amended Americans with Disabilities Act: Working Together to Protect Pregnant Workers*, NATIONAL WOMEN’S LAW CENTER (August 2013), available at http://www.nwlc.org/sites/default/files/pdfs/pda_adaaa_preg_workers_fact_sheet.pdf.
40. See Williams et al., *A Sip of Cool Water: Pregnancy Accommodation after the ADA Amendments Act*.
41. 29 U.S.C. § 1001 *et seq.* (2013).
42. *Strate v. Midwest Bankcentre, Inc.*, 396 F.3d 1011 (8th Cir. 2004); *Fleming v. Ayers & Associates*, 948 F.2d 993 (6th Cir. 1991).
43. *Grew v. Kmart*, 2006 U.S. Dist. LEXIS 6994 (N.D. Ill. 2006).
45. Calvert, “Litigation Update 2010”; Cynthia T. Calvert, “Family Responsibilities Discrimination: Litigation Update 2014” (report, San Francisco, California, forthcoming 2014).
45. Jean C. Setzfand, “Think You’re Saving Enough to Ever Retire?” AARP, modified March 19, 2013, <http://www.aarp.org/work/retirement-planning/info-03-2013/retire-with-confidence.html>; Liana C. Sayer, Suzanne M. Bianchi, and John P. Robinson, “Are Parents Investing Less in Children? Trends in Mothers and Fathers Time with Children,” *American Journal of Sociology*, 110, no. 1 (2004): 1, 10.
46. “Sample Policies on Family Responsibilities Discrimination for Management Policy Manuals,” Center for WorkLife Law, accessed October 18, 2013, <http://worklifelaw.org/pubs/WorkLifeLaw-SampleFRD-PoliciesForManagemenManual.pdf>.

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Today's Schedules for Today's Workforce: Hourly Employees and Work-Life Fit

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This paper was prepared with funding from the U.S. Department of Labor. The views expressed are those of the authors and should not be attributed to the Federal Government or the Department of Labor.

I. Introduction

In the workforce of the 1960s, when President John F. Kennedy established the President's Commission on the Status of Women (PCSW), only 20% of mothers were employed. (McClanahan 2004) Today, mothers occupy a far larger share of the paid workforce. In over 70% of American families with children, all adults are in the labor force. (Kornbluh 2003) Not only do more workers have childcare responsibilities than was the case in the past; today's workers also increasingly need to take time off in order to care for their elders. Advances in medicine mean that people now live longer, and many of these elderly individuals need assistance or caretaking from a family member. As a result, nearly a third of nonexempt workers paid on an hourly basis have elder care responsibilities, and nearly 60% of adults caring for elders have taken time off work in order to do so. (Berg & Kossek n.d.; Gibson 2003)

Yet today's hourly jobs remain designed for a workforce of male breadwinners married to female homemakers. Even assuming that that workforce existed when the Report of the PCSW was published in 1962, this model no longer describes the workplace today. The disconnect between the design of today's work and the real lives of today's workers creates problems for workers and employers alike. Hourly workers struggle to support and care for their families while working in jobs with unpredictable schedules or, conversely, with schedules that are rigid and inflexible. It goes without saying that such schedules are incompatible with the responsibilities of a working caregiver, who has her own caregiving schedule to manage. Employers, for their part, are faced with sky-high rates of turnover and absenteeism, which results in steep costs today's employers can ill afford in a globalizing world. The good news is that effective

scheduling of hourly workers allows employees to balance work and family obligations while simultaneously helping employers to drive down their labor costs.

This paper provides employers with the tools they need to match today's workplace to today's workforce. First, the paper describes "just-in-time" schedules – schedules which create instability and unpredictability for hourly workers. It then suggests several means by which employers can reduce such instability in the just-in-time sector, providing increased scheduling effectiveness. Next, the paper discusses scheduling rigidity and provides employers with a variety of means for easing this rigidity by creating a more flexible workplace.

The ultimate goal of this paper is to create a win-win outcome for hourly workers and their employers by synchronizing today's workplace with today's workforce. We seek to accomplish this goal by helping employers understand the needs of hourly employees with family responsibilities and demonstrating that accommodating these needs does not result in increased labor costs. To the contrary, introducing flexible scheduling and/or predictable scheduling can in fact *reduce* labor costs.

II. Providing Scheduling Stability for Hourly Workers, Particularly in the “Just in Time” Sector.

Schedules assigned to employees with little or no advance notice is a major challenge for today's workforce. We refer to such schedules throughout this article as “just in time” (JIT) schedules. JIT schedules are the result of “just-in-time manufacturing,” a production philosophy developed by Toyota in the mid-seventies that was intended to eliminate waste. While best applied to a production system, such as

automobile assembly, the JIT model has been extended to the service industry. In essence, the JIT philosophy is that services (or products) should be provided on an as-needed basis to consumers or customers. An example of JIT in the service industry would be a restaurant that schedules the smallest number of employees for an evening shift and then, if faced with a larger than expected number of customers, calls in other workers who are mandated to show up to work “just in time” to meet the employer’s needs. In the manufacturing industry, JIT means that an employer maintains a minimal inventory of product and, should demand unexpectedly increase requiring additional inventory, calls in workers “just in time” to meet the increased and unpredicted production demand.

JIT creates significant schedule instability and unpredictability for hourly workers. JIT workers are faced with changes in work hours by week, time of day, and length of shift, as well as by unexpectedly reduced hours or involuntary part-time work. (Watson & Swanberg 2010) Even for hourly workers who do not work in the JIT sector, schedule instability remains a significant obstacle. About 55% of men and 73% of women work the regular day shift in families earning less than \$25,000. (Corporate Voices 2006, p. 32 Table 2) In JIT jobs, schedule instability typically arises through the design of overtime, which rose 25% in the decade before 2002. (Golden & Jorgensen 2002) Average overtime escalated in manufacturing in the 1990s. (Golden & Jorgensen 2002) A study of unionized employees in six chiefly blue-collar industries found that about one-third had worked compelled overtime in the previous month. (Golden & Jorgensen 2002) Workers in JIT jobs not only have great difficulty planning for regular child and/or elder care needs; they also have trouble getting enough hours to support their families.

III. Ensuring the Effectiveness of Just in Time Scheduling

Employers of hourly workers often assume that they face high absenteeism and turnover because their employees' lives are chaotic and the employees have a lack of work readiness. No doubt this is true of a portion of the hourly workforce. Yet much of the problem lies not in the workers but in the lack of fit between the workplace and the workforce

Researchers have found that “[r]etention analyses reveal that the majority of the workforce stays the same month-in and month-out. A minority of employees turns over rapidly, however, and this results in a high cumulative turnover rate as jobs are re-staffed throughout the year.” (Lambert & Henly 2010, p. 7) The challenge for employers is to increase the loyalty and size of the stable sector of their workforce, while reducing the proportion that turns over rapidly. One obvious way to accomplish this is to raise wages and provide benefits such as health insurance and paid leave. Another, in today's competitive environment, is to increase schedule effectiveness. Notes Lisa Disselkamp, “Scheduling is a form of compensation. It is a very tangible benefit to employees, but the costs are hidden and don't appear as a line item on any budget.” (Disselkamp 2009, p. 156)

In JIT workplaces, managers are expected to “stay within hours.” That is, managers are held responsible for operating their worksite using a particular number of worker hours. Studies show that managers rate the goal of “staying within hours” as even more challenging than meeting sales quotas. (Lambert & Henly 2010) Given the important role that measurement of employee work hours plays for managers, employers

would be well advised to take a step back and assess whether JIT scheduling, as implemented, is saving—or costing—they money.

A. Schedule Effectiveness

To the extent that current JIT practices are driving extremely high levels of absenteeism and turnover, businesses that improve “schedule effectiveness” will have a significant business advantage. A simple three-part process defines scheduling effectiveness:

1. Identify the work to be accomplished.
2. Identify the employees needed to do the work.
3. Identify the constraints within which scheduling needs to occur.

A number of methods are available to help employers improve scheduling effectiveness, depending on their business operations and needs, as described below.

1. Survey your employees

A key early step in designing an effective schedule is to survey employees to ascertain their scheduling constraints. The most effective method of conducting such a survey is typically a formal online or paper-and-pencil method which ascertains the number of hours workers would like to work each week, times when workers prefer to work, when they are not available, and when they prefer not to work but could do so if necessary. In the JIT sector, managers will need to rethink their insistence on 24/7 availability if that is unrealistic given their workforce—as it most often will be. To expect total availability, and to ask employees to claim they have it, does an employer no favors when workers can’t adhere to the schedule after it is set.

Scheduling surveys are important because today's hourly workforce is increasingly diverse—which means that workers' responsibilities, constraints, and preferences are too. A workforce composed of parents with children under 18 will require a measure of schedule stability and established ways to handle absences related to child care breakdowns and children's illnesses. A workforce composed chiefly of workers with elder care responsibilities will require an effective mechanism for coverage in the event that a worker needs to leave abruptly to provide elder care, given that elder care often requires work absences at short notice.

A formal survey may well find that some workers (e.g., mothers) prefer daytime hours before 3 p.m., while others (e.g., students) prefer evening hours, or other patterns that provide the basis for crafting a schedule that works well for different groups of workers—and, therefore, for the employer.

2. *Find the hidden schedule stability*

The next step is to identify hidden schedule stability that already exists in an employer's operations. A striking and unexpected research finding of JIT schedules in the retail sector is that for nearly two-thirds of participating stores, 80% or more of the schedule stayed the same, week in, week out. (Lambert & Henly 2010) This finding surprised many store managers. (S. Lambert, personal communication at Working Group Meeting, July 27, 2010) An alternative to last-minute scheduling is to post the schedule further in advance and work with employees to develop a procedure about how to distribute the hours that later have to be cut (or added).

3. *Lengthen the time period within which supervisors can “stay within hours”*

Another task for many employers will be to lengthen the time period within which supervisors are required to meet their supply-to-demand ratios. In some workplaces, managers call supervisors several times a day to inform them of the ratio required for the next few hours. (Lambert 2008) In other workplaces, managers had to adjust the desired ratio between customers and staff on an hourly basis, based on the number of customers in the store at a given time in the previous week. When managers were allowed to attain the target ratios by the end of a given week, they could offer their employees far greater schedule predictability. If there were fewer customers than expected, managers could decrease the number of staffing hours they used by not replacing a worker who called in sick or had a childcare emergency. Of course, this requires giving managers more leeway—and some may not be up to the challenge. But if a manager consistently fails to “stay within hours,” that is nothing more than a performance problem. The risk of extra labor costs may well be more than compensated for by reduced attrition and absenteeism. This is an empirical question employers need to investigate.

4. *Determine the optimum number of employees*

Another important issue is workforce size. One study found that over two-thirds (67%) of managers reported that they liked to keep headcount high in order to have several associates capable of being tapped to work when needed rather than having a smaller staff in order to give workers more hours. (Lambert 2009; Lambert & Henly 2010) Managers tend to keep headcount high so that they can schedule workers for shifts during peak business hours and can help compensate for the high level of turnover and

absenteeism that typically accompanies JIT scheduling. Knowing who will show up for work, said a manager in an airline catering business, is “like flipping a coin.” (Lambert 2008) Moreover, sky-high turnover means that some employers are always hiring for certain jobs. (Lambert 2009) Surely employers would be well-served if they paused to assess whether this is the best business model. Lambert and her colleagues found that supervisors who hired fewer workers and gave each more hours were rewarded with 5% higher retention on average than supervisors who hired a large pool of workers and gave them few hours. (Lambert & Henly 2010) It makes sense that, when employees do not receive enough hours to support themselves and their families, attrition tends to be high.

5. *Determine the optimum mix of full- and part-time employees*

The next challenge for employers is to assess the optimum mix of full- and part-time employees. Managers who prefer to keep their staff large and give them fewer hours have a higher proportion of part-timers, to whom they typically give an average of 10 to 15 hours a week. However, the cumulative annual turnover rate is much higher among part- than full-timers. (Lambert & Henly 2010) According to one survey, roughly 40% of stores surveyed had cumulative turnover rates of 120% among part-timers; a quarter had turnover rates of over 150%. (Lambert & Henly 2010) Across companies in four industries, the turnover rate among workers with little seniority (who are most likely to be given part-time work and unstable schedules) was as much as 200% higher than the rate among workers with more seniority. (Lambert 2009)

Contrary to the accepted wisdom that employers use part-timers to save on wage and benefit costs, a study by Houseman (2001) indicated that among the 72% of firms that used part-time workers, only 21% reported that they used part-time arrangements to

save on wages and benefits. Instead, 62% did so to provide assistance during peak business hours and 49%, during hours not usually worked by employees in full-time jobs (e.g., evenings in retail stores). Employers that can optimize the mix of full- and part-time employees may be able to materially enhance their competitive position.

6. *Determine the optimum advance notice of employees' schedules.*

The next step for employers seeking schedule effectiveness is to experiment with giving workers greater advance notice of their schedules. Posting work schedules a few days in advance of the workweek has become the norm in many industries, a way of business that is rarely questioned. (Lambert 2008) It may be possible, however, for many businesses to post schedules further in advance. For example, in one retail firm, schedules were typically posted a few days before the workweek (a common practice throughout the retail sector). (Lambert 2009) Yet store managers received their staffing hour allotments for a month at a time, making it feasible for them to post schedules for the full month—something few (6%) managers did. (Lambert 2009) Obviously, there are limits to how far in advance schedules can and should be posted; business conditions change, as do employees' circumstances. Yet it may be feasible—and beneficial—for many businesses to post schedules a few weeks or even a month in advance, which could dramatically reduce unplanned absenteeism. (Lambert 2009)

7. *Adopt a formal system for handling scheduling changes.*

A majority (53%) of managers in one study reported that schedule changes were common. (Lambert & Henly 2010) Those requested by management typically reflected managers' need to stay within hours. Those requested by employees typically reflected a wish to switch shifts or to cover for a colleague. An informal system for handling

scheduling changes is both costly in terms of managers' time and limited in the amount of information that can be processed.

After schedules are posted "[m]any workers call in to find out their hours or stop by to obtain a new schedule so that they can arrange or rearrange child care and other family activities for the coming week." (Lambert & Henly 2010) Virtually all managers report that they try hard to accommodate associates' scheduling requests, regardless of the reason for the request, yet informal systems make it hard for supervisors to "keep on top of requests and preferences." (Lambert & Henly 2010; Lambert 2009) The obvious answer is to shift to a more formal system for keeping track of, and responding to, change requests, either online or on paper. If systems are computerized, which increasingly is quite affordable, employees can enter not only their underlying scheduling needs and preferences but also their unavailability because of a specific engagement on a given week (doctor's appointment, parent-teacher conference, etc.).

B. The Goal: Scheduling Equilibrium

The ultimate goal is to identify the scheduling equilibrium: the point at which the savings that can be attained by increasing schedule stability equals the additional costs incurred due to initiatives to decrease schedule instability. This equilibrium point will vary from industry to industry and from workplace to workplace, but should be easy to calculate. Employers already track absenteeism, turnover and attrition. Employers also can readily measure the costs associated with programs to decrease schedule instability, for example by giving a smaller group of employees more hours, rather than a larger group of employees fewer hours each, or by implementing a system that allows managers to balance supply and demand at the end of the week rather than on a daily or hourly

basis, or by hiring floaters to fill in for workers who cannot come to work because of family responsibilities. Employers need to develop a methodology by which they can weigh these costs and compare them with the savings produced by reducing turnover and other costs caused by scheduling instability.

Once scheduling equilibrium has been identified, the next step is to build managers' success in effective schedule management into the metrics used to evaluate the managers' performance, given that "we treasure what we measure." In one study, most managers reported that their companies encouraged them to be responsive to employees' scheduling needs, yet nearly two-thirds (66.2%) felt that their company did not reward managers for being responsive. (Lambert & Henly 2010) No doubt, given that employers currently using JIT scheduling encounter turnover rates of up to 500%, businesses that increase scheduling effectiveness can gain a competitive edge.

III. Introducing Flexibility into Rigid Scheduling Practices

JIT scheduling causes instability, which creates problems for workers and costs for employers; rigid and inflexible scheduling may be the other end of the spectrum, but it creates similar problems for employees and similar costs for employers. Rigid schedules are very common for hourly workers. Only 17.5% of workers without a high school degree can vary their schedules, less than half the rate (39.1%) among college graduates. (McMenamin 2007) According to one study, only one in three (33%) low wage workers has access to traditional flextime, while only 12% can change their work hours on a daily basis, and only one in three can decide when to take breaks. (Bond & Galinsky 2006) Another study found that one-third of lower-wage workers cannot decide when to take breaks, nearly 60% cannot choose starting or quitting times, and 53%

cannot take time off for sick children. (Workplace Flexibility 2010 and Urban Institute n.d.) Low-wage workers also are more likely than more affluent workers to report that using workplace flexibility programs will negatively affect job advancement. (Workplace Flexibility 2010 and Urban Institute n.d.)

Low-wage workers also often have little (or no) sick, vacation, or leave time. Only about half of non-college jobs (53%) offer sick leave that can be used to care for family members who are ill, according to employers; among entry-level jobs, this drops to less than one-third (31%). (Acs & Loprest 2008) Nearly 70% of lower-wage workers have two weeks or less of vacation and sick leave combined. (Heymann 2000, note 2, at 15 fig. 6.1) They also are less likely to be covered by the Family and Medical Leave Act (FMLA), which provides twelve weeks of unpaid leave in connection with the birth or adoption of a child, or the serious medical condition of an employee or the employee's child, parent, or spouse. (Workplace Flexibility 2010 and Urban Institute n.d.)

Expected mandatory overtime also exists in some low-wage jobs. A study of hourly jobs in Chicago found mandatory overtime commonplace among hotel housekeepers. (Lambert 2008) In another study, work hours expanded as managers called workers to come in from home or asked them to stay on after their shifts ended, if demand proved stronger than expected. (Henly, Shaefer & Waxman 2006) "At nights...we'd have to stay late and clean up the store and they schedule you to 11:00....I don't have no problem with [staying late] but after 2, 3 hours go past...that, I think, is too much because I have a child to go home to, and so does everybody else," said one woman. (Henly, Shaefer & Waxman 2006, p. 622) An overtime system that assumes that

workers have someone else on tap to care for their children can lead to particularly harsh consequences for single mothers.

Many workers are one sick child away from being fired due to overly rigid schedules that ignore workers' family care responsibilities. (Williams 2006) Often these workers simply require, unexpectedly, permission to leave work for a short period of time, perhaps to pick up a sick child from school and take her to the doctor. Sometimes short absences can be scheduled in advance—for example, to take an elder to a social worker. Additionally, employees may need a permanent or semi-permanent schedule change—for example, to accommodate their childcare providers or the work schedules of their spouses or partners.

The conventional wisdom is that workplace flexibility is not suitable for hourly jobs. This assertion is far less true than is ordinarily assumed. Workplace flexibility is one element of schedule effectiveness. In the hourly context, one benefit of scheduling effectiveness is to ease the excessive rigidity of typical of hourly jobs, which is counterproductive for employees and employers alike. The following best practices have been developed to address each of these issues.

A. Compressed workweeks

Compressed workweeks are full-time schedules compressed into fewer days per week. Among low-wage workers, 42% are allowed to compress their work hours; among other hourly workers, this percentage climbs to 46%. (Swanberg 2008) A survey of five companies that offer workplace flexibility found that 23% of hourly workers used compressed workweeks. (Corporate Voices n.d.) A study of eight unionized companies found that 31% of employees with elder care, 37% of those with child care

responsibilities, and 32% of employees overall worked compressed workweeks. The highest usage was among police (88%), followed by blue-collar workers (45%). (Berg & Kossek n.d.) An Oregon cocktail waitress earning \$7 per hour plus tips explained why she worked compressed workweeks:

Well, because (exhale), I can work, I can do three tens, get my days over and done with, and then I have four days off with my kids....Because otherwise, if I worked days, I would hardly, I mean, the only time I would see them is at night....I'd only have two days off with them.

(Weigt 2006, p. 333)

B. Flex-time

Flex-time schedules allow workers flexibility in when they start and stop work. One study found that only 37% of low-wage workers and 39% of other hourly workers can choose their own starting and stopping times. (Swanberg 2008) A survey of five companies that offer workplace flexibility found that 13% of hourly workers surveyed used flex-time that could be changed on a daily basis and 30% used flex-time on a set schedule. (Corporate Voices n.d.) A study of eight unionized companies found that 65% of employees with eldercare responsibilities, 58% of employees with children under 18, and 54% of employees overall used flex-time. (Berg & Kossek n.d.) Flex-time is something professionals often take for granted; it is a highly prized benefit for hourly workers who can use it, for example to match their work hours with their partner's work hours when tag teaming or to enable them to care for an elder before coming to work.

C. Reduced hours and job sharing

Job sharing is when two employees split one job. Typically they work different days, with some overlap to aid coordination. Retention part-time jobs are jobs with

benefits where the occupants have chosen to reduce their hours. A survey of five companies that offer workplace flexibility found that 11% of hourly workers surveyed worked part-time, while 1% used job sharing. (Corporate Voices n.d.)

D. Gradual return to work

This policy allows someone returning from childbirth or other health-related leave to start part-time and gradually increase to a full-time schedule. A study of eight unionized organizations found that 32% of employees with children under age 18, 27% of employees with elder care responsibilities, and 23% of employees overall used gradual-return-to-work policies. Service workers had the highest usage rate. Thirty-one percent (31%), or nearly a third, used the policy. The next highest usage was among administrative support staff. Twenty-six percent (26%), more than a quarter of employees in these jobs, took a gradual return to work (Berg & Kossek n.d.).

E. Compensatory Time Off (Comp Time)

Comp time programs allow employees to take time off instead of receiving pay when they work extra hours. Employers need to be mindful of relevant state and federal labor laws when setting up these programs; in a handful of states (including Alaska, California, Nevada, and Puerto Rico), state law requires an overtime premium for work in excess of 8 or 10 hours a day, in addition to the federal law requirement for an overtime premium for work in excess of 40 hours per week. (U.S. Department of Labor 2010) A study of eight unionized companies found that 42% of employees with elder care responsibilities, 46% of employees with children under 18, and 40% of employees overall used comp time. The highest usage level was among police (51%), followed by administrative support workers (40%). (Berg & Kossek n.d.)

F. Part-year work

Among low-wage workers, 32% are allowed to work part year; among other hourly workers, this percentage falls to 21%. (Swanberg 2008) A study of eight unionized companies found that 42% of employees with eldercare responsibilities, 13% of employees with children under 18, and 12% of employees overall used policies that allow part-year work. Usage was highest among police (29%); 11% of blue-collar workers used the policy. (Berg & Kossek n.d.)

G. Redesigning overtime systems

In 1963, the report of the President's Commission on the Status of Women noted that in private employment, 13.5 percent of workers worked 49 hours or more and called for a normal workday and workweek of no more than eight hours a day and 40 hours a week. (*American Women*, pp. 36-37) The Commission was of the view that until there was broad and effective federal and state legislation providing for at least time and a half the regular rate for hours in excess of eight a day and 40 a week, state laws limiting women workers' maximum hours should remain in effect and be strengthened and expanded, while at the same time providing flexibility for additional hours with proper safeguards. After passage of the Civil Rights Act of 1964, the U.S. Equal Employment Opportunity Commission, which enforces the Act, found that such laws and regulations did not take into account the capacities, preferences, and abilities of individual females and, therefore, discriminated on the basis of sex and conflicted with and were superseded by the Act (Guidelines on Discrimination Because of Sex, U.S. Equal Employment Opportunity Commission, 29 C.F.R. 1604.2(b)). Some of the terms in modern usage,

such as flex-time, compressed workweeks, job sharing and telework, were not in the labor lexicon at that time.

In many workplaces, one group of workers passionately wants overtime (typically men whose wives have primary responsibility for child care), while for another group (mothers and tag-teamers), an order to work overtime on short notice can mean losing their job. Employers can improve morale and decrease costs by taking the trouble to design overtime systems to achieve work-life fit for both groups. A poorly designed overtime system will result in attrition for single mothers and tag-team parents.

In tag-team families, when one parent is ordered to work overtime at short notice, the family may well have to choose between the mom's job and the dad's job in a context where the family needs both jobs to pay the mortgage. The previously mentioned study of five companies that support workplace flexibility found that only about half (54%) of those surveyed rarely or never were required to work overtime with little or no advance notice while 20% were required to do so at least several times a month. Men (40%) were more likely to be required to do so than women (24%). (Corporate Voices n.d.)

The first step is to rely on volunteers to work mandatory overtime to the extent possible. Two alternative ways exist of handling mandatory overtime when it is unavoidable. One is to provide workers with coupons that they can use to buy out of overtime or to claim additional work hours. The second is to divide employees into four groups and have one group on call for possible overtime during the first week of every month, the second on call during the second week, and so on. This enables workers to arrange for back-up childcare during the week they are on call.

H. Allowing employees to contact children, elders, or caregivers during work hours

Only 33% of low-wage workers can choose their break times. (Bond & Galinsky 2006) Parents need to be able to contact latchkey children and to call caregivers when a problem arises.

I. Allowing attendance at children's activities

A national study found that nearly three-fourths of working parents could not consistently attend school conferences with teachers and learning specialists. (McGuire, Brashler, & Kenny 2006) California, by state law, requires employers of 25 or more employees to allow employees up to 40 hours of unpaid time off each year for parents, guardians, or custodial grandparents to participate in school or licensed day care center activities, with reasonable notice to their employer. (Cal. Labor Code § 230.8) Employers may offer similar programs to address related issues.

J. Allowing sick leave that can be used for care of dependents

The federal Family and Medical Leave Act (FMLA) requires covered employers to give eligible employees up to twelve weeks of unpaid leave to care for a child, parent, or spouse with a serious medical condition. (29 U.S.C. § 2601, *et seq.*) However, employees often face the need to care for children and other dependents who are ill, but not sick enough to meet the definition of a “serious health condition” under the FMLA. Only 24% of low-wage and low-income workers can take a few days off to care for a sick child without losing pay or using vacation days. (Bond & Galinsky 2006) Much of the cost of allowing employees to use their sick leave to care for sick children or dependents

already is incurred as employees call in sick when, in fact, it is their children who are sick. The Federal Government, under the Federal Employees Family Friendly Leave Act (FEFFLA), authorizes federal employees to use their own sick leave to give care to or otherwise attend to a family member having an illness, injury, or other condition which, if an employee had such a condition, would justify the use of sick leave by the employee. (U.S. Office of Personnel Management Frequently Asked Questions, Pay & Leave)

Another key issue is notice. A study of welfare-to-work moms found that, although half received paid vacation and one-third received paid sick leave, typically paid time off required several weeks' notice, which made it hard to use for family emergencies. (Weigt 2006) Among low-wage workers, only 34% of full-timers and 25% of part-timers are allowed days off to care for a sick child without using their paid vacation days. (Swanberg 2008) A survey of five companies that offer workplace flexibility found that 14% of hourly workers surveyed used paid sick time to care for a sick child and 11% used paid sick time to care for a sick family member other than a child. (Corporate Voices n.d.)

K. Allowing employees to purchase additional vacation

A survey of five companies that offer workplace flexibility found that 35% of hourly workers surveyed take additional time off without pay beyond vacation and personal days. (Corporate Voices n.d.)

L. Allowing personal time to be used in small increments

In one study, among low-wage workers, only 56% could decide when to take breaks, a percentage that climbed to 69% among other hourly employees. (Swanberg 2008) A survey of five companies that offer workplace flexibility found that over half

(52%) of hourly workers surveyed used vacation time and about a quarter (23%) used sick time in hourly or partial-day increments. (Corporate Voices n.d.)

M. Leave banks

Leave banks allow employees to donate unused leave to a colleague and are often used in situations where a worker or a worker's relative is seriously ill. Leave banks also enable colleagues to help a woman who has recently borne a child. One study of blue-collar parents found that only 10% of the mothers had paid parental leave when their baby was born. (Perry-Jenkins, Bourne & Meteyer 2007) This meant that they tended to use up all their sick and vacation time to care for their newborn and thus to return to work with no safety net for needed time off.

N. Extended unpaid leave

Some employers allow employees to take extended time off without pay. This is particularly important for workers with family in other countries so that they can return home for an extended visit without quitting their jobs and is also helpful when a worker has to nurse an ill family member through an extended recovery period or for a variety of other uses.

O. Updating no fault attendance policies

A survey by World at Work found that 40% of respondents had an absence control policy. (CLASP 2010) These policies are an excellent source of information for determining whether flexible work arrangements need to be introduced. For example, when 80% of the associates are on probation, as occurred in one flagship department store (Henly and Waxman 2005), the time is ripe to examine and consider changing

scheduling policies to improve work-life fit for employees. Another study found that one worker out of three had received points or other sanctions due to attendance problems. (Henly, Shaefer & Waxman 2006) Said one manager at PNC Financial Services Group after adoption of various flexible policies, “Instead of having six people call off...we’d rather have you work a schedule that wouldn’t have us taking corrective action [because of absenteeism]. Most people want to do the right thing.” (Corporate Voices n.d.)

Another issue that arises with leave policies that are supposedly “no-fault” policies is when employers give employees sick leave, but then penalize them for using it. According to one researcher, “In one nursing home we studied, nursing assistants received six sick days a year, but they were penalized anytime they used a sick day.” (N. Gerstel, personal communication to J. Williams, July 27, 2010) This seems particularly troubling in a healthcare context, because it means that nurse’s assistants who are sick are forced to report to work and to expose patients to their illnesses. Turck, an industrial automation manufacturer, provides a useful model. It excludes the following types of absences from its no-fault policy: 1) absences accompanied by a medical provider statement, 2) absences taken for family medical reasons, and 3) absences that have been approved by the employee’s supervisor. (Geiger & Potratz 2010) Note that giving points or other discipline to an employee covered by the Family and Medical Leave Act who has taken time off in connection with a serious medical condition is a violation of federal law. (29 U.S.C. § 2601, *et seq.*)

P. Telework

A common assumption is that hourly jobs are place-bound jobs. Some are, but many are not. In fact, much routine white-collar work can be remote. Estimates of

telework among hourly workers vary widely. One study found that only 3% of low-wage and 6% of other hourly workers ever work regular hours at home. (Swanberg 2008) A study of eight unionized companies found much higher levels; 55% of employees with children under 18, 30% of employees with eldercare, and 38% of employees overall used telecommuting programs. (Berg & Kossek n.d.) Usage was higher among professionals than among nonprofessionals, but 36% of administrative support personnel and 17% of blue-collar workers telecommuted.

Q. Eliminating the flexibility stigma

According to one study, only 28% of low-wage workers strongly believed they could use flexible work arrangements without jeopardizing advancement. (Bond & Galinsky 2006) A study of call center employees found that hourly workers were more likely than salaried ones to use formal work-family policies but that workers with the best performance ratings had not used them. (Wharton, Chivers & Blair-Loy 2008) This may mean that high-performing employees were better able to negotiate informal accommodations or that employees who formally request flexibility face the “flexibility stigma,” which can negatively affect them. (Williams, Blair-Loy & Berdahl 2010)

The first step in eliminating the flexibility stigma is to ensure that relevant scheduling information is widely available. In one survey, a woman in an hourly job said, “Information isn’t openly available, and it’s hard to get a flexible schedule,” , even in a company that strongly supports flexibility. (Corporate Voices n.d.,p. 80) Yet the five companies surveyed, all leaders in the field of workplace flexibility, clearly had made substantial inroads towards eliminating the flexibility stigma. Fully 70% of those surveyed reported that their manager was supportive of flexibility and 68% said their

peers were supportive. One key to eliminating the flexibility stigma is to ensure that offering flexibility to some workers is not achieved by dumping unwanted extra work on others. Again, these best-practice companies have avoided this common problem; 66% of those surveyed said that their peers do not have a heavier workload because they used flexibility. (Corporate Voices n.d.)

A key issue for hourly workers is the tradition of close supervision, which may lead to stigma if managers resist flexibility for hourly workers because they are apprehensive about the lack of control. In one heated session in a workplace that was adopting the Results Only Work Environment (ROWE), in which employees' comings and goings are not monitored as long as they get their work done, a woman in an hourly administrative position asked, "Can you, as a salaried person, trust us?" Her senior manager said that "hourly workers need to be here to support us," to which she shot back, "but you're not going to be here anyway [under ROWE]!" No one said anything for several seconds. (Kelly, Ammons, Chermack & Moen 2010, p. 294) Two departments withdrew from ROWE because high-status professionals opposed it. One exempt worker stated her view that these managers would not "let their nonexempt [employees] utilize ROWE. They want or need them here 8 to 5" (Kelly, Ammons, Chermack & Moen 2010, p. 297). Training is needed to help managers of hourly workers rethink these assumptions.

R. "Right to request flexibility" laws

A new approach, at least in the United States, is the passage of so-called "right to request flexibility" laws. Similar to policies in the United Kingdom, Australia, and elsewhere, Vermont and San Francisco have recently enacted such laws, giving

employees the right to request flexible working arrangements without fear of retaliation. (Vt. Stat. Ann. tit. 21, § 309 (2014); S.F. Admin. Code Ch. 12Z (2014)) Such arrangements include changes in the number of days or hours worked, changes in start or stop times, changes in work location, and/or job sharing. San Francisco's law also includes the ability to request greater scheduling predictability. Under these laws, employers must put a process in place by which workers can negotiate schedule adjustments, though employers are not mandated to provide these schedule changes and may deny requests if they create an undue hardship.

S. Training supervisors and managers

Many studies document the importance of supervisor support in helping employees balance work and family. (Hammer, Kossek, Yragui, Bodner & Hanson 2009) The sociological literature shows that employers can engender tremendous loyalty when employees feel their supervisor is supportive of their need to balance family responsibilities with work responsibilities. Kim, a cocktail waitress and mother of two young children, described why she stayed at a job with no benefits that paid just \$7/hour plus tips, because of her supervisor (Weigt & Solomon 2008, p. 636):

I couldn't ask for anybody better as far as, I mean, that's why I'm still there. I have no medical benefits, I have no paid vacations, I have no sick days or anything like that. But there's not too many jobs out there that are so lenient, either...I could call him up and say, "John, I'm just exhausted, I'm tired. I didn't sleep very well last night. I'm going to be an hour late." "OK, well just don't crash on your way here"...he's great. And he's done the kid thing you know, and he's older. I mean, he understands.

Another woman, Maria, described how grateful she was to a supervisor who let her switch her hours to daytime from evenings so she could pick up her son from day care at 5:30 p.m. (Henly, Shaefer & Waxman 2006, p. 626) She said, "My manager, she's real

cool about everything. You know, you just have to tell her what you need and whatever...she respects a lot of us, you know?... But she's always like, 'You know your family comes first. You have to take care of them first.'" A 33-year-old shop supervisor explained that her employees were flexible with her because she was flexible with them. (Perry-Jenkins, Bourne & Meteyer 2007) She said, "They are the best. They would do anything I ask within reason. They've proven it, people need time off for family matters and they can get it, no questions."

Given examples such as those above, it is surprising that only 36% of employers offer work-life training to managers of hourly workers, according to one study. (Litchfield, Swanberg & Sigworth 2004) More recent work has identified the specific types of supervisory behaviors that help the most. Creative work-family management is pro-active and involves redesigning jobs to improve work-life fit. Instrumental support is reactive. It concerns a supervisor's routine reactions in handling employees' day-to-day work-family conflicts. Emotional support involves having supervisors make sure their subordinates feel comfortable talking to them about work-family conflicts, taking the time to find out their subordinates' family and personal commitments, talking with their subordinates, and responding with sympathy and understanding when work-family conflicts arise. (Hammer, Kossek, Yragui, Bodner & Hanson 2009)

Leslie Hammer and Ellen Kossek developed supervisory training based on this model and ran small sessions in grocery stores on how to plan coverage and cope with employees' scheduling conflicts. One study found that employees of the trained supervisors were less likely to state their intention to seek a job elsewhere and were more willing to comply with safety programs. (Kossek & Hammer 2008) After the training,

employees with high levels of work-family conflict felt less stress and had better physical health. The training program that produced these results consisted of a one-time self-paced 30- to 40-minute computer training followed by a 75-minute face-to-face training; the researchers met with the store director, assistant director, and department heads all together and trained them on the four dimensions of supervisory support, informed them of existing company work-life policies, and had them role play situations where they could provide more behavioral support to employees to enable them to better manage work and family. (L. Hammer, personal communication to J. Williams, December 27, 2010)

III. Conclusion

Employers often assume that uncontrolled turnover, combined with high rates of absenteeism, are simply facts of life. They are not. Often they are symptoms of a mismatch between the way today's jobs are structured and the makeup and needs of the workforce of the 21st century. Gone are the days when most mothers stayed home, freeing workers up to work their shifts and overtime at short notice with the confidence that their children, parents, and ill family members were receiving the kind of care and attention all Americans believe they owe their families. Schedules that worked well in a workforce of breadwinners married to housewives do not work well today. And employers need to know that there are alternatives to existing practices that can benefit both them and their employees. Indeed, as discussed above, offering employees greater flexibility is likely to engender loyalty, enhance employee satisfaction, and decrease turnover.

To improve work-life fit in low-wage jobs requires effective practices to address problems presented by just-in-time scheduling and a quite different set of practices to address the workplace rigidity faced by hourly workers more generally. Only by combining effective practices designed to increase schedule stability in the just-in-time sector with effective practices designed to increase flexibility in hourly jobs more generally can the mismatch in the fit between today's workplace and today's workforce be remedied.

Businesses are organizations of people. Employers need to understand their employees' lives well enough to design schedules that do not place workers in the position of having to choose between their employers' needs and a family member's immediate and pressing need for care. Employers who place workers in that position are bound to be disappointed time and again as employees put family first. (Williams 2010)

The logical solution for both employee and employer is to increase schedule effectiveness by designing today's schedules for today's workforce. It can be done.

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